



ROYAL COMMISSION ON TRANSPORT.

SECOND REPORT.

The Licensing and Regulation
of Public Service Vehicles.

*Presented by the Secretary of State for the Home
Department to Parliament by Command of His Majesty.
October, 1929.*

LONDON:

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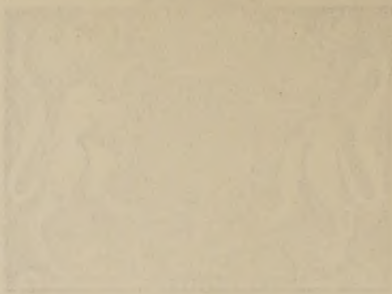
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SECOND REPORT

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Map of Scotland showing Traffic Areas.

THE ROYAL COMMISSION.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, to

Our Right Trusty and Well-beloved Counsellor Sir Arthur Sackville Trevor Griffith-Boscawen, Knight;

Our Right Trusty and Entirely-beloved Cousin William Bingham, Marquess of Northampton, Companion of Our Distinguished Service Order;

Our Right Trusty and Right Well-beloved Cousin George Herbert Hyde, Earl of Clarendon;

Our Trusty and Well-beloved :—

John Jacob Astor, Esquire (commonly called the Honourable John Jacob Astor), Honorary Colonel in Our Territorial Army, Major, late 1st Life Guards.

Sir Matthew Gemmill Wallace, Baronet;

Sir Ernest Varvill Hiley, Knight Commander of Our Most Excellent Order of the British Empire;

Sir William George Lobjoit, Knight, Officer of Our Most Excellent Order of the British Empire;

Isidore Salmon, Esquire, Commander of Our Most Excellent Order of the British Empire, Honorary Major, late General List;

Horace Evelyn Crawford, Esquire, upon whom We have conferred the Air Force Cross, Major, late Royal Air Force;

James Learmonth, Esquire;

Frederick Montague, Esquire; and

Walter Robert Smith, Esquire.

Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to take into consideration the problems arising out of the growth of road traffic and, with a view to securing the employment of the available means of transport in Great Britain (including transport by sea coastwise and by ferries) to the greatest public advantage, to consider and report what measures, if any, should be adopted for their better regulation and control, and, so far as is desirable in the public interest, to promote their co-ordinated working and development :

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and

do by these Presents, authorise and appoint you the said Sir Arthur Sackville Trevor Griffith-Boscawen (Chairman); William Bingham, Marquess of Northampton; George Herbert Hyde, Earl of Clarendon; John Jacob Astor; Sir Matthew Gemmill Wallace; Sir Ernest Varvill Hiley; Sir William George Lobjoit; Isidore Salmon; Horace Evelyn Crawford; James Learmonth; Frederick Montague and Walter Robert Smith to be Our Commissioners for the purposes of the said enquiry :

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any five or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; to call for information in writing; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever :

And We do by these Presents authorise and empower you, or any of you, to visit and inspect personally such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid :

And we do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any five or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment :

And we do further ordain that you, or any five or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do :

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands or seals of any five or more of you, your opinion upon the matters herein submitted for your consideration.

Given at our Court at *St. James's*, the *fourth* day of August, one thousand nine hundred and twenty-eight, in the Nineteenth Year of Our Reign.

By His Majesty's Command.

W. Joynson-Hicks.

ROYAL COMMISSION ON TRANSPORT.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain,
Ireland and the British Dominions beyond the Seas, King,
Defender of the Faith, to

Our Trusty and Well-beloved William Leach, Esquire, and
Frank Wallis Galton, Esquire,

Greeting !

Whereas We did by Warrant under Our Royal Sign Manual bearing date the Fourth day of August, One thousand nine hundred and twenty-eight, appoint Commissioners to take into consideration the problems arising out of the growth of road traffic and, with a view to securing the employment of the available means of transport in Great Britain (including transport by sea coastwise and by ferries) to the greatest public advantage, to consider and report what measures, if any, should be adopted for their better regulation and control, and, so far as is desirable in the public interest, to promote their co-ordinated working and development :

And whereas vacancies have been caused in the body of Commissioners appointed as aforesaid, by the resignations of Our Trusty and Well-beloved Frederick Montague, Esquire, and Walter Robert Smith, Esquire :

Now Know Ye that We, reposing great confidence in your knowledge and ability, have authorised and appointed, and do by these Presents authorise and appoint you the said William Leach and Frank Wallis Galton to be Commissioners for the purposes aforesaid, in the room of the said Frederick Montague and Walter Robert Smith.

Given at Our Court at *Sandringham*, the *Eighteenth* day
of September, One thousand nine hundred and twenty-
nine, in the Twentieth Year of Our Reign.

By His Majesty's Command.

J. R. Clynes.

ROYAL COMMISSION ON TRANSPORT.

SECOND REPORT.

THE LICENSING AND REGULATION OF PUBLIC SERVICE VEHICLES.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY.

WE, the undersigned Commissioners, having been appointed to take into consideration the problems arising out of the growth of road traffic and, with a view to securing the employment of the available means of transport in Great Britain (including transport by sea coastwise and by ferries) to the greatest public advantage, to consider and report what measures, if any, should be adopted for their better regulation and control, and, so far as is desirable in the public interest, to promote their co-ordinated working and development, humbly submit to Your Majesty the following Report :—

INTRODUCTION.

1. In our First Report* is set out a list of those Witnesses from whom we have taken evidence, part of which, from one aspect or another, has a direct bearing on the subject of this Report.

As indicated in our earlier Report, three different sets of questions are involved in our Terms of Reference, (i) those concerning the free and easy movement of traffic on the roads and its control, mainly from the point of view of safety; (ii) those concerning the licensing of public service vehicles, and the co-ordination of the various forms of road passenger transport with the object of obtaining the best and most economical public service; and (iii) those concerning the general co-ordination and development of all available means of transport. We have already dealt with the first of these sets of questions, and in this Report we deal with the second set. As regards the questions falling within the third set, a considerable volume of evidence remains to be taken before we shall be in a position to present our third and final Report.

2. In our First Report we comment upon the fact that the statute law relating to mechanically propelled vehicles is, in

* The Control of Traffic on Roads (Cmd. 3365).

many respects, out of date : but however obsolete the law in this behalf may be, that in regard to the licensing of public service vehicles is archaic. Again and again we have had borne upon us in evidence the great need for the revision of this law, and for the devising of machinery for licensing these vehicles which will be appropriate to the modern highly developed passenger-carrying services by road.

The existing system of licensing, based upon Acts passed at a time when the internal combustion engine was unknown, is from almost every point of view totally unsuited to present-day requirements. It not only entails great inconvenience upon both licensing authorities and operators but, in not a few instances, imposes a heavy and unnecessary burden upon highway authorities who, *per se*, have no voice in licensing matters. In addition to this, the unnecessary multiplication of competing vehicles adds largely to congestion and is a fruitful source of danger to the public. So urgent do we consider the need for reform that we have thought it desirable to deal with the subject without delay.

Accordingly, after a brief outline of the existing law and the more important of the suggestions which have been made by the various bodies who, by their several Witnesses, have appeared before us, we submit proposals which we recommend should be adopted for the reorganisation of the licensing system of public service vehicles in Great Britain.

3. We recognise that any new system of licensing which may be devised will almost certainly be liable to criticism and objection, but under the scheme propounded, which we have endeavoured to keep free from all unnecessary complications, we believe it will be possible to regulate the licensing of public service vehicles with the maximum of advantage to the travelling public and to those who provide services by road, while, at the same time, it will leave to local authorities such a measure of control as is necessary to protect their interests.

4. For the purposes of this Report we have adopted the following definitions of public service vehicles and of the three classes (*viz.* : stage carriages, express carriages, contract carriages) into which those vehicles are divided in the Draft Road Traffic Bill (Clause 50) published by the Ministry of Transport in 1927. The definitions follow those contained in the published Bill with the exception of the substitution of the word " sixpence " for the word " threepence " in (ii) and (iii).

Definitions :—

(i) Public service vehicles ; that is to say, motor vehicles (other than tramcars and trolley vehicles) used for carrying passengers for hire or reward.

This is the general definition. Those which follow are the classes into which public service vehicles are divided.

(ii) Stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than sixpence), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined;

(iii) Express carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares and for a journey or journeys to some one or other common destination specified beforehand, and not stopping to take up or set down passengers other than those taking the specified journey or journeys, and motor vehicles carrying passengers for hire or reward at separate fares, where no fare is less than sixpence;

(iv) Contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;

Provided that a motor vehicle adapted to carry less than nine persons shall not be deemed to be an express carriage by reason only that on special occasions it is used to carry passengers at separate fares.

5. Before proceeding further we wish to make it clear that our recommendations are not intended to apply (i) to contract carriages adapted to carry less than nine persons, or (ii) to tram-cars and trackless trolley vehicles which do not come within the scope of this Report as they are operated under statutory powers and do not require to be licensed, or (iii) to the London Traffic Area which is subject to the provisions of the London Traffic Act, 1924.

CHAPTER I.

EXISTING LAW.

England and Wales (excluding London).

6. In 1847 Parliament passed the Town Police Clauses Act "for consolidating into one Act certain provisions usually contained in Acts for regulating the police of towns." It is evident that by that year the use of the hackney carriage had become general as there were included in the Act elaborate provisions relating to the licensing of these vehicles and of their drivers.

7. These provisions were, however, operative only where incorporated with a Special Act, and remained so for the next 28 years, during which period they were in fact incorporated with many Special Acts.

In substance they empowered the local authority obtaining the Special Act to licence to ply for hire within the area of the authority "such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons" as the authority might think fit.

8. By 1875 the need had arisen for a wider application of the powers contained in the Act of 1847, and its provisions were incorporated with the Public Health Act, 1875, thereby coming into force automatically in all boroughs and urban districts, and in such rural districts as might be brought within the scope of the legislation by an Order of the Local Government Board (now the Minister of Health).

9. By 1889 the horse omnibus had become a popular type of vehicle and was used in sufficient number to lead to the passing of the Town Police Clauses Act of that year. This Act gives a special definition of an omnibus (the essential difference between a hackney carriage and an omnibus being that the former is hired as a vehicle whereas the latter is used for carrying passengers at separate fares), extends to omnibuses the appropriate sections of the Act of 1847, and empowers licensing authorities to make byelaws for certain specified purposes. Amongst these purposes, one finds that byelaws may be made for securing the fitness of the omnibus and the harness of the animals drawing it; for regulating the number and securing the fitness of the animals to be allowed to draw an omnibus and for the removal therefrom of unfit animals. It is true that all the purposes for which byelaws may be made under the Act in question are not so covered by the cobwebs of antiquity as those instanced above. For example, there is greater need to-day for regulating stands and stopping places than there was 40 years ago, but the broad fact remains that the provisions of the Acts were drawn at a time when nobody could reasonably be expected to foresee the changes which the future

was to bring forth and, speaking generally, it is only by chance that any of these provisions are applicable in the circumstances of the present.

10. Before the passing of the Ministry of Transport Act, 1919, which gave a right of appeal to the Minister, the only remedies available to an applicant whose application for a licence to ply for hire had been refused, were either to appeal to Quarter Sessions or to apply to the High Court for a Writ of Mandamus. So far as the first remedy is concerned, there does not appear to have been any case of an appeal to Quarter Sessions, and as regards the second, it is costly and, in practice, unsatisfactory owing to the principles of law applicable to all proceedings by way of Mandamus. Briefly stated, the duty of the Court is to see that the methods which the licensing authority have adopted and acted upon are correct, and not to criticise the conclusions at which they have arrived.

11. By the Roads Act, 1920, the appeal provisions of the Act of 1919 were re-enacted in a slightly altered form to meet a point of difficulty which had been found to arise in practice.

12. Such is, in outline, the existing general law on the subject in England and Wales, enacted (except for the appeal provisions) at a time when only horse-drawn transport with its limited radius of activity was known, and, until new legislation is passed, it is under the provisions of this law that any attempt must be made to regulate and control the modern public service vehicle, capable of high speed, with a range of activities limited only by the sea.

13. Although we do not consider it necessary to comment here in detail upon the general inappropriateness of these laws, there are three outstanding points which apparently give rise to considerable practical difficulty, and which we think it right to mention specifically.

14. First, in spite of the fact that there are more than 1,100 licensing authorities in England and Wales, the licensing laws, such as they are, do not apply throughout the whole of the country. While licensing powers are exercisable within their respective areas by councils of boroughs and urban districts, only 65 rural district councils out of a total of 644 have been invested with these powers. This means that at present there are large areas in which public service vehicles are not subject to any more control than other motor vehicles.

15. A short explanation of the small number of rural districts in which licensing powers may be exercised may here be given. It was not until after the War that, with the remarkable development of road services, the necessity for regulation was generally realised. In 1922 the then Minister of Transport appointed a Departmental Committee to consider and report to him upon

the question of the regulation of road vehicles, other than trolley vehicles and trams, carrying passengers for reward. The Report of this Committee was published in 1925* and upon it is based Part IV of the Draft Road Traffic Bill. Meanwhile, many rural district councils who desired to be invested with licensing powers made application for the necessary Orders. Although not always refused, these applications were discouraged by the Ministries of Health and Transport, first, because the subject of licensing was under consideration by the Departmental Committee and later, in anticipation of legislation on the lines of the Draft Road Traffic Bill. The need for comprehensive legislation which would apply uniformly throughout the country was evident, but apparently lack of Parliamentary time prevented the introduction of such legislation. We hope that the new Parliament will find the necessary time without delay.

16. Apart from the fact that the whole of the country is not covered by licensing authorities, it might be suggested that a moderately satisfactory control can be exercised over public service vehicles through those authorities which are empowered to grant licences and to make byelaws. In our opinion, however, this is not so. In the first place, the scope of the power to make byelaws is too limited, since the Act of 1889 makes no mention of either routes or services. In the second place, we do not consider that the byelaw is a proper or an appropriate method of exercising any general control over these vehicles. A byelaw is essentially local in character, and in the days when road transport services were also purely local, byelaws no doubt fulfilled all that was needful. But to-day the public service vehicle passes on its route through a number of different localities, and it seems to us to be unreasonable that during its journey this vehicle should become subject to several codes of byelaws.

17. The second point of difficulty relates to the interpretation of the expression "plying for hire." The question as to whether or not a vehicle is plying for hire on a particular occasion is one of fact, and although a number of judgments have been given on the subject, these decisions are so conflicting that sometimes grave doubt exists as to whether the owners of such vehicles are or are not infringing the law. As a result, it is often difficult to establish infringements, and it appears to be legally possible for unlicensed omnibuses in certain circumstances to carry passengers for hire, as, for example, persons who happen to possess return tickets.

18. The third point relates to the ineffectiveness of the penalty for plying for hire without a licence. For this offence a maximum penalty of 40s. may be imposed. When this amount was fixed it may have been adequate, but we have been

* Departmental Committee on the Licensing and Regulation of Public Service Vehicles—First Interim Report, 1925.

informed that it may be profitable for an operator to run and continue to run unlicensed vehicles, as the profits earned more than balance the fines inflicted. An instance was given us where a certain proprietor and his servants were convicted no fewer than 62 times in eight months and in all but five cases were fined the maximum penalty and, notwithstanding this, still persisted in plying for hire with the unlicensed vehicle (*Oliver*, M. 39/8, Q. 10691).*

Scotland.

19. The general law with respect to the licensing of omnibuses or carriages plying for hire in burghs is contained in the Burgh Police (Scotland) Act, 1892. Although in point of date this is relatively modern when compared with the general law in England and Wales, the Act of 1892 was passed before the coming of the motor omnibus, and its provisions with regard to licensing are almost as unsatisfactory as those in force in England.

20. Five cities—Edinburgh, Glasgow, Aberdeen, Dundee and Greenock—derive their licensing powers from local Acts, and in this short outline, which does not purport to do more than set out the general position, we do not think it needful to refer further to these special Acts.

21. In the other burghs the Magistrates are the licensing authority. By Section 270 of the Act of 1892 their powers are limited to the licensing to ply for hire within five miles of the principal post office of the burgh of such number of hackney coaches, omnibuses, or carriages of any kind or description, adapted to the carriage of persons, as they shall think fit. Under Section 271 provision is made for the regulation of hackney carriages and the licensing of drivers. Section 272 enables the Magistrates to prevent, within the limits of their jurisdiction, "the plying or running of omnibuses or other carriages for the conveyance of passengers which shall be in a state of disrepair or insecurity or not adapted in all other respects for the conveyance of passengers with safety and comfort, or drawn by horses not sufficiently strong or in good condition, or not sufficiently trained or broken in." The Magistrates are also empowered to make byelaws for regulating the number of passengers to be carried, the times of running, stands and "all other matters tending to promote regularity and public convenience and safety, and also for ensuring good conduct on the part of the passengers or other persons making use of such omnibus."

* In this Report references to Memoranda of Evidence submitted to the Commission, and Questions answered by Witnesses, are made under the name of the Witness. For example, *Oliver*, M. 39/8, Q. 10691, refers to paragraph 8 of Memo. No. 39 submitted by Mr. A. M. Oliver and to Question No. 10691 answered by him.

22. As a result of a decision of the Scottish Court of Justiciary in 1920 (*Craik v. Wood*) motor omnibuses were largely withdrawn from regulation and control under the Act except through the medium of byelaws.

23. As regards County Councils in Scotland, Section 13 of the Local Government (Scotland) Act, 1908, enacts that a County Council may make byelaws for licensing and regulating omnibuses, but it is provided that such byelaws shall not apply to any vehicle duly licensed by a Town Council. Until quite recently it was generally believed that this proviso in effect rendered the Section inoperative, as practically all the vehicles are licensed in burghs, but we understand that, since we took evidence on the subject in April, a decision has been given by the House of Lords which seems to show that this belief was ill-founded. Apart from this, however, it appears that, in any event, the scope of the byelaws which may be made by a County Council is more restricted than that of those made by a Town Council, and there seems to be some doubt whether a County Council can prohibit an omnibus from plying for hire without a licence.

24. Byelaws may also be made by a road authority under Section 104 of the Roads and Bridges (Scotland) Act, 1878, for the "general regulation of traffic," but the effect and extent of this power are not clear.

25. We have already expressed our views regarding the inappropriateness of byelaws as a means of control in present-day circumstances, and we are satisfied that the need for a new code of laws is as great in Scotland as in England and Wales.

CHAPTER II.

PROPOSALS SUBMITTED TO THE COMMISSION.

Introductory.

26. During the course of our proceedings we have carefully considered the Memoranda submitted to us, including those presented on behalf of the Ministry of Transport, the Associations representing operators and employees of road transport services, and local authorities, and have examined at length the Witnesses who have appeared in support of these Memoranda. The existing system of licensing and regulating public service vehicles has been described and criticised, and the views of the various Witnesses upon systems which might possibly be substituted for that now in force, have been elicited.

27. Almost without exception, criticism of the existing procedure has been adverse, the general feeling being that the development of road passenger transport services has reached a stage which renders the present methods of licensing obsolete. This is sufficiently apparent in connection with the local omnibus services which run at more or less frequent intervals, but the advent of long-distance motor coach services, which have multiplied so rapidly during the last two or three years, has obviously created a new set of problems for the solution of which the existing law is wholly inadequate.

28. The following paragraphs of this part of our Report contain a brief indication of the more important proposals submitted to us.

Ministry of Transport.

29. In view of the recommendations contained in the First Interim Report of the Departmental Committee on the Licensing and Regulation of Public Service Vehicles, the Ministry included in Part IV of the Draft Road Traffic Bill comprehensive and detailed provisions for the licensing of public service vehicles.

30. Recognising that, in spite of the large number of existing licensing authorities, there is no control in many areas in the country, and that in other areas licensing authorities do not exercise the powers vested in them, the Ministry suggested the reduction of the number of licensing authorities in England and Wales from the present number of about 1,100 to about 300, and in Scotland from 234 to 55. It was proposed that this reduction should be achieved by depriving of their licensing powers the councils of non-county boroughs, urban districts, and rural districts (upon whom urban powers had been conferred) which had a population of under 20,000 at the 1921 census, and that in their place the County Councils should be constituted as the licensing authorities for all areas outside those of the remaining authorities. In Scotland the licensing authorities under the Ministry's scheme would be the County Councils and the Magistrates of burghs having a population of or exceeding 20,000.

31. Although many licensing authorities, particularly the larger ones, examine with great thoroughness the vehicles submitted to them for licensing, there is no specific duty laid upon them to do so, and unsatisfactory vehicles are from time to time licensed. For this reason, and in order to ensure that public service vehicles should be fit for the purpose for which they were employed, the Bill provided that every such vehicle should have a Certificate of Fitness, which would imply that it was of satisfactory design and construction. Properly-qualified Certifying Officers would be appointed who would be empowered to issue these certificates. These Certifying Officers would not be whole-time officials; normally they would be in private practice, and would merely receive fees payable by the owners of the vehicles which they inspected. It was, however, provided that a vehicle of a particular type might be approved by the Minister, thereby simplifying the procedure for obtaining a Certificate of Fitness for a vehicle which conformed with the approved type.

32. Public Service Vehicle Examiners would be employed by licensing authorities, and it would be their duty to ensure that vehicles licensed by the authority were maintained in proper condition. The vehicle would require to be licensed annually by the licensing authority in whose area it was usually kept, and on the application for this licence—the Public Service Vehicle Licence—there would be an inspection by the Public Service Vehicle Examiner to see that it had been properly maintained. In addition to the normal annual inspection, it was also provided that Public Service Vehicle Examiners would have power to inspect a vehicle at any time, either at a garage or on the road, if it appeared to be in an unsatisfactory condition.

These Public Service Vehicle Examiners would normally be part-time or whole-time police officers with special qualifications or special training, and the cost of their services would be met by the licensing authorities out of the moneys derived from fees, etc.

33. Control of routes and services was to be secured by means of Road Service Licences to be issued by the licensing authorities. Without such a licence it would not be legal for an operator to run a service. The licensing authorities would be empowered to attach to these licences such conditions as they might think fit for securing the establishment or maintenance of an adequate service and for securing the suitability of the vehicle and the route. Moreover, in the case of stage carriages they could secure that the fares would not be unreasonable and would be so fixed as to prevent wasteful competition with alternative forms of transport along the route. In the case of a service extending over the area of more than one licensing authority, the Road Service Licence would require to be "backed" by every other licensing authority through whose area the service operated.

34. Provision was made for the issue of separate Public Service Vehicle Licences and Road Service Licences as a matter of practical convenience to enable licensees to transfer vehicles from one route to another, and to utilise spare vehicles without the necessity for each vehicle being specially licensed for the route on which it was normally employed.

35. The existing right of appeal to the Minister of Transport by an applicant for a licence was to be retained, and extended to such matters as the refusal by a Certifying Officer to issue a Certificate of Fitness in respect of a particular vehicle.

36. Licensing authorities would be left with a certain latitude of discretion as to the conditions which might be attached to licences, but if it proved to be necessary to limit this discretion in any particular direction in order to secure a reasonable degree of uniformity, the Minister, with the sanction of Parliament, would be enabled to make Regulations for the purpose. (*Piggott*, M. 1/91-6; M. 2/15-29.)

37. In his evidence, Sir Henry Maybury, who was Chairman of the Departmental Committee on the Licensing and Regulation of Public Service Vehicles, suggested, in view of the development of long-distance services since his Committee reported, that even the reduced number of licensing authorities recommended by the Departmental Committee might be too large, and that special provisions might have to be made to deal with those services which are not co-terminous with county areas. As he put it, "One requires something more than the county administrative area to deal with all the through services" (Q. 848).

38. So far as local services are concerned, Sir Henry supposed that, in all probability, we would desire to maintain the position of the local licensing authorities, at any rate in so far as they are counties and county boroughs, but as regards the long-distance services he drew our attention to the methods adopted in the United States, which he had had an opportunity of studying. He explained that, in a number of States, Commissioners are appointed to deal with and review licences for long-distance services, and that where these arrangements are in operation it is a condition precedent to securing a licence that the applicant shall obtain a certificate from the Commissioners to show that public convenience and necessity require the proposed service. Without going into details, Sir Henry suggested that some machinery of this character might be adopted to deal with long-distance services in this country. (Q. 621-6; 848-850.)

Railway Companies' Association.

39. Since the Railway Companies obtained powers to operate road passenger transport services under their Acts of 1928, they have, of course, become directly interested in the regulation of

transport by road, and evidence was submitted to us on their behalf by Sir Josiah Stamp and Mr. H. L. Thornhill, of the London, Midland and Scottish Railway.

40. The Association suggested that the licensing and regulation of public service vehicles should be placed in the hands of a Central Authority acting through Area Organisations, and that by these means some measure of co-ordination might be achieved. They also expressed the opinion that, in licensing these vehicles, particular regard should be had to local conditions, the existence of a public need for the service, and the possibility of co-ordinating road and rail services, and that licences should only be granted or renewed after notice of the application had been given, and interested parties had been allowed an opportunity of making representations. They proposed that the fares and other conditions applicable to public conveyances should be approved by the Authority after consideration of all the circumstances, and that time-tables also should be submitted to and approved by the Authority.

41. Applications for licences for services intended to operate in more than one area might be considered by the Central Authority; applications for services restricted to one particular area would be considered by the Area Organisation. The Authority in such cases as appeared, after inquiry, to be desirable would have power to impose, as a condition of issuing licences, a definite obligation to operate the services in such manner and upon such conditions as they might consider necessary. (*Stamp, M. 4/54-6; Q. 1083-90.*)

Railway Clerks' Association.

42. This Association expressed the opinion that the position of the transport services at present is more or less chaotic, and they regarded it as imperative that the future development of these services should be adequately regulated in the public interest under one supreme authority. They proposed, therefore, the nationalisation of the railways and of all forms of public transport by road, under the control of the Minister of Transport. As an integral part of their scheme, the Association suggested that "road motor concerns which are engaged as carriers for the public should be transferred to public ownership under the Ministry of Transport, and worked in conjunction with the railways, unless transferred to Municipalities under suitable provisions." (*Walkden, M. 7/40.*)

43. They suggested that there should be set up, under the Minister, a Board of Railway Commissioners, consisting of three experts appointed by the State, and three representatives of the employees, together with a Chairman. This Board would be responsible for the administration of all forms of public transport, including the nationalised road transport system, which would thus become ancillary to the railway system and under the same

control. A second Board, similarly constituted, would be entrusted with the regulation of traffic on the highways, and the administration of the Road Fund, and all traffic, whether owned nationally, municipally, or privately (*i.e.*, private cars and vehicles used by traders solely in connection with their businesses) would have to conform to the regulations laid down by this Board having regard to public safety, the needs of the community and the provision and maintenance of highways (Q. 2217-20 ; 2231-9 ; 2321-31).

44. The licensing of road passenger vehicles would be a function of the Central Board, which would act in accordance with the general policy laid down by the Ministry of Transport (Q. 2263-7). Where necessary, regional officers would be appointed who would consult and co-operate with the local authorities and who could be assisted by local advisory committees. As regards the long-distance services, the Association suggested that, where it appeared advisable, the Commissioners might associate them with the railway services. In the opinion of the Association, only by such a system of national control could co-ordination between the various forms of transport be secured, and steps taken to prevent the present overlapping and to provide a satisfactory service in the interest of the community. (M. 7/35-45.)

London and Provincial Omnibus Owners' Association.

45. This Association represents all the larger companies and firms providing regular services of omnibuses in Great Britain. Sixty-five separate companies and firms, employing about 12,000 omnibuses running approximately 500,000,000 miles per annum, are members of the Association (Howley, M. 17/1).

46. The Association considered that the whole system of licensing, as it exists to-day, is quite unsuitable for the conditions under which road passenger services are now operated. They were of opinion that the reduction in the number of licensing authorities proposed in the Draft Road Traffic Bill would not be a solution of the problem, as they considered that the regulation of omnibus services has now become so technical and difficult that it is quite beyond the power of local authorities, acting as licensing authorities, properly to control it. Not only have local authorities insufficient technical knowledge of the questions involved in the operation of omnibus services, but the facts (admitted or alleged) that (a) the routes worked by motor omnibuses are of considerable extent and often traverse the areas of several licensing authorities ; (b) many licensing authorities are themselves trading in passenger road transport ; (c) the skilled supervision of omnibus services that is necessary is greater than can be given by local authorities ; and (d) many licensing authorities are unable to administer the licensing laws in an unbiased manner, render the local authority an entirely unsuitable body,

in the opinion of the Association, to control motor omnibus services (**M. 17/36**).

47. The Association suggested the substitution of Area Commissioners for local authorities as the new licensing authorities. They proposed the formation of new licensing areas to the number of about twelve for England and Wales (excluding London), with similar, but of course fewer, areas in Scotland. These areas should be formed with due regard to the convenience of the operators of public service vehicles, and would not necessarily be based on local authority areas. The Witness for the Association put in a map of England and Wales divided into twelve suggested areas the boundaries of which corresponded with those of counties. While admitting the possibility of cases where the traffic centre of the district might be just on the border of a county and where, therefore, from a traffic point of view it would be more satisfactory to divide the district, he explained that there might be difficulties in this respect and that he had, therefore, retained the county boundaries for his areas (**M. 17/37**, Q. 5233).

48. The Association also suggested that local Roads Advisory Committees should be set up throughout the country to advise the Minister of Transport in regard to all matters relating to expenditure on roads. These Committees would be representative of local authorities, road users, police, etc., and would nominate the Area Commissioner for licensing. Their nominee, if approved, would then be appointed by the Minister of Transport, and would be a paid official occupying a position analagous to that of a Stipendiary Magistrate (Q. 5229-32). His remuneration and expenses would be a local charge, divided between the local authorities included in the area (Q. 5255). The Commissioner would hold Licensing Courts at which all licensing questions for the area would be dealt with, and at which all interested parties would be entitled to be heard (**M. 17/37**).

49. In dealing with applications for licences, it would be the duty of the Area Commissioner to take into consideration the adequacy of all existing forms of public passenger transport facilities (Q. 5242-3). After hearing objections, including those of the highway authorities concerned, he would have the right to determine whether the route on which an applicant for a licence desired to run was or was not suitable. Whilst the Commissioner would not be responsible for actually drawing up time-tables, he would have power to consider whether a time-table was adequate or not, and would also be entitled to co-ordinate the time-tables of different operators (Q. 5256-61).

50. To provide for appeals, the Association suggested the appointment of one or more Chief Commissioners who would sit with two assessors, one drawn from a panel of nominees of local authorities, and one from a panel of nominees of licensed

vehicle owners. The Chief Commissioners would not only deal with appeals, but would adjudicate in cases of dispute between Area Commissioners (**M. 17/38**).

Transport and General Workers' Union.

51. This Union, which was formed by the amalgamation of twenty Unions having members engaged in the transport trades, represents, with few exceptions, the whole of the organised tramway and omnibus workers in Great Britain and, in addition, the majority of organised transport workers employed in the conveyance of goods by road and men employed on docks and inland waterways (*Cliff*, **M. 24/1**).

52. The considered opinion of the Union is that the essential transport services of the country should, as public services, be operated under public ownership, and the Memorandum submitted by the Union outlines a scheme for the operation and control of these services. The Witness who appeared on behalf of the Union made it clear, however, that the scheme was not necessarily dependent upon the adoption of nationalisation as a policy, but that it could be applied under the existing conditions of private and municipal ownership (Q. 7249-50 ; 7305).

53. The Union expressed the opinion that the present machinery for licensing road service vehicles and workers should be superseded, and suggested that the powers and functions of the Minister of Transport should be extended to enable him to appoint Commissioners and to establish Transport Boards to control the licensing and registration of vehicles with the object of securing, *inter alia*, the provision of efficient passenger services by road.

54. The Union proposed the appointment by the Minister of National Road Transport Commissioners, who would be empowered to carry into effect the decisions of the Minister and, under his direction, to exercise control over the licensing, registration, and regulation of all road transport services. The National Commissioners would be advised and assisted by a National Transport Advisory Board formed of representatives of Government Departments, transport undertakers, and road transport unions (**M. 24/8**).

55. The scheme put forward by the Union, which was on somewhat similar lines to that propounded by the London and Provincial Omnibus Owners' Association, involves the division of Great Britain into regional areas, which it was tentatively suggested should be ten in number (Q. 7107). For each of these areas a Regional Commissioner would be appointed to carry into effect the decisions of the National Commissioners, and, under their direction, to exercise control over road transport services within these areas. As in the case of the National Commissioners, the Regional Commissioners would be



advised and assisted by Regional Committees representative of local authorities, transport undertakers, and road transport unions. Licensing powers would be vested in the Area Commissioners, but the local machinery for issuing licences, and carrying out the duties involved in connection therewith, could be arranged as provided in the Draft Road Traffic Bill or, alternatively, by the establishment of District Transport Authorities. The latter authorities would act under the direction of the Regional Commissioners, and would not have the same power of refusal which the present local authorities enjoy : they would not issue licences in cases of non-compliance with conditions, but would have no power of veto or refusal on other grounds **(M. 24/9)**.

56. The National and Regional Commissioners would be salaried officers paid by the State. There would be a right of appeal to the National Commissioners from the decisions of the Regional Commissioners (Q. 7254).

57. Although the matter is outside the scope of this Report, we should add that the Union proposed that the National and Regional Commissioners and the District Transport Authorities should regulate goods transport services by road in addition to passenger services. The Commissioners would also have power to promote the unification of transport undertakings, to make provision for the pooling of receipts, and to effect compulsory amalgamations, etc., with the object of securing the co-ordination of transport services **(M. 24/28)**.

*North Yorkshire and South Durham Regional Advisory
Committee on Traffic Control.*

58. This Committee consists of two representatives from each of two county boroughs, five boroughs, eight urban districts and two rural districts which are situated within an area, the centre of which is Middlesbrough, and which comprises the valley of the Tees westwards from Middlesbrough for 15 or 20 miles, the southern part of the County of Durham, and the north-eastern corner of the North Riding of Yorkshire. It should be observed that, owing to traffic conditions and community of interests, parts of two counties are included in the area. The Police Authorities in the area are represented on the Committee, but there are no representatives of transport operators (*Scott*, **M. 28/4-11**, Q. 8095-7).

59. Before 1927 some of the licensing authorities in the area attempted to exercise their powers of licensing, but their efforts to effect adequate control over the rapidly increasing omnibus services within the district did not prevent the growth of unsatisfactory conditions throughout the area generally, largely in the form of unrestricted and uneconomic competition, racing and cutting in, absence of time-tables, mechanical inefficiency of

vehicles, lack of control over drivers and conductors, and congestion of traffic. It was accordingly decided in 1927 to form the Regional Advisory Committee in order to make a concerted effort to control the omnibus traffic in the area (**M. 28/12-23**).

60. The object of the Committee, which is purely advisory, was at first to persuade all licensing authorities in the area to exercise to the full their powers of control, and afterwards to co-ordinate the action of these authorities so that those powers should be exercised upon common lines (**M. 28/24**). We were informed that, since the formation of the Regional Committee, conditions in the area have completely changed. Control of omnibus traffic is now fairly satisfactory, services are running regularly to published time-tables, vehicles are well maintained, drivers and conductors are selected with much more care and are of a better type than formerly, and satisfaction is expressed by operators, local authorities and the general public alike (**M. 28/30**). Within its limits, therefore, and in the face of considerable difficulties, mainly arising from the fact that it has no express legal authority, the Committee appears to have functioned with considerable success.

61. In view of the divergent interests of the constituent authorities represented, the evidence submitted on behalf of the Committee was mainly confined to statements of fact regarding its constitution and activities. Whilst not authorised to put forward any proposals for radical alterations in the present system, the Committee's Witnesses expressed the view that, if the number of licensing authorities were reduced as proposed in the Draft Road Traffic Bill, the division of the country into areas and the formation of voluntary advisory committees for those areas would be the most satisfactory solution of the problem (Q. 8051).

Rural District Councils Association.

62. As previously mentioned (*see* paragraph 14) only 65 Rural District Councils out of a total of 644 in England and Wales have been authorised to exercise licensing powers. While generally supporting the proposals in the Draft Road Traffic Bill, the Association made strong representations that, if all Councils of urban districts of 20,000 inhabitants and upwards are to be considered suitable and proper as licensing authorities under the Bill, the Councils of all rural districts with a population of over 20,000 should be given these powers, and that the powers should not be confined to those who already possess them. In cases where the County Council is to be the licensing authority, the Association felt that Rural District Councils should have representation on the appropriate County Council Committee in order to safeguard local interests (*Hobson*, **M. 36/29**, Q. 9680).

63. The Association expressed the opinion that the time is not yet ripe for the " zoning " of the country or for the appointment of Commissioners for different areas, but that if anything of this nature is ultimately proposed, " the Board of Commissioners should be thoroughly representative of the main local authorities concerned," and that any area bodies set up " should be constituted so as to ensure that the points of view of all local authorities affected are thoroughly and adequately ventilated, and there must be nothing in the nature of a bureaucratic dictatorship when the time arrives for any such experiment to be made " (**M. 36/31**).

County Councils Association.

64. The unanimous view of the Association was that, within their administrative areas, County Councils alone should be the licensing authorities for public service vehicles, and that the retention of licensing powers by Councils of non-county boroughs and urban districts where the population exceeds 20,000 and by the Councils of rural districts with a population of over 20,000 which already possess licensing powers would add to the already complicated and anomalous position as regards local authorities and their functions, and would materially increase the administrative difficulties both for the local authorities themselves and for the owners of public service vehicles (*Dent*, **M. 37, Appendix VI, Clause 55**).

65. In other respects, the Association supported the proposals contained in the Draft Road Traffic Bill (Q. 9963).

66. In a Supplementary Memorandum on the question of the establishment of regional authorities for the licensing of public service vehicles, submitted at our request, the Association expressed the belief that the extension of transport facilities at the present time is such as to require licensing areas as large as can conveniently be prescribed. They did not favour the establishment of *ad hoc* licensing authorities but recommended that the County and County Borough Councils should be the licensing authorities, with power for these bodies to combine if in any case they considered it desirable to do so.

Urban District Councils Association.

67. The Association, while realising the urgent need for a review of the existing law and procedure, informed us that they were of opinion that the licensing of vehicles to ply for hire within any urban district and the licensing of drivers and conductors should remain vested in the local authority of the district (*Postlethwaite*, **M. 38/7**).

68. As regards the proposal in the Draft Road Traffic Bill that existing licensing authorities with a population of less than 20,000 should be deprived of their licensing powers, the Association suggested that the Councils of any non-county boroughs,

urban districts or rural districts adjoining each other and having a combined population of 20,000 or more should be entitled to appoint a Joint Committee for the licensing and regulation of public service vehicles in such combined areas. The Association also considered that the licensing powers of any Urban District Council, whose district has a population of less than 20,000 and who had obtained a Special Act enabling them to run motor omnibuses, should be preserved (**M. 38/11**).

69. On the subject of the proposed transfer of licensing powers to combinations of local authorities whose districts together have a population of 20,000 and upwards, the Association pointed out that Joint Committees have already been set up on a voluntary basis in a number of areas for the purpose of co-operation in connection with the granting of licences, and that the arrangements are working satisfactorily so far as the limited powers of such Joint Committees and of their constituent authorities permit (**M. 38/12**).

70. Referring to the suggestions that the control of public service vehicles should be exercised over wider areas than those contemplated in the Draft Road Traffic Bill, the Association felt that neither the long-distance services, nor the conditions which prevail in the Metropolitan Police District (to which they attributed the suggestions), can be considered as typical of the country generally. Whilst the Association agreed that the conditions in some parts of the country might be comparable to those in the Metropolis, they considered that it would be unwise to legislate for the country generally without full regard to the varying conditions which are applicable in many other parts, particularly small towns surrounded by rural areas in which it is desirable that full local control over public service vehicles should be retained (**M. 38/15**).

71. The Association considered that as a general rule the adoption of the proposals in the Draft Road Traffic Bill (coupled with a provision by which combinations of Urban District Councils might be formed for licensing purposes) would meet the needs and requirements of far the greater part of England and Wales. They suggested, however, that different arrangements might properly be applied to thickly populated industrial areas, such as parts of Lancashire and Yorkshire, where conditions are comparable to those prevailing in the Metropolitan Police District.

It was submitted that in those areas the solution of the difficulty is not to be found in the adoption as a licensing unit of any single local government area, such as, for example, the county, and that in these exceptional cases provision should be made for the constitution of Joint Committees or Traffic Boards for extensive areas (not necessarily limited by county boundaries)

on which all local authorities having powers or duties in connection with the maintenance of highways would be represented (**M. 38/16-18**).

72. Apart from the control of public service vehicles through the issue of licences, the Association strongly urged that for such matters as overcrowding, fares, time-tables, routes, the conduct of passengers, drivers and conductors, stands, stopping places, etc., local supervision is necessary, and that control over these matters should in any event be left to the local authorities (**M. 38/22**).

Association of Municipal Corporations.

73. The Association expressed general agreement with the principles contained in the Draft Road Traffic Bill, and strongly supported the proposals in Clause 55 for a reduction in the number of the existing licensing authorities, subject, however, to certain modifications. They recommended that the licensing powers given by the Town Police Clauses Act, 1847, should be extended so as to give large municipalities the right to license and control omnibus services within a prescribed radius outside their area (*Oliver*, **M. 39/7**); that non-county boroughs having their own police force should be retained as licensing authorities irrespective of population (**M. 39/22**); and that as regards the population limit of 20,000, either the 1921 census or the present estimate should be adopted as the criterion (*Jerman*, Q. 10781).

74. The Association strongly protested against any proposal to reduce further the number of licensing authorities below the figure contemplated by the Draft Road Traffic Bill. They expressed the opinion that licensing is carried out in a satisfactory manner at present, and would be even more satisfactory with the reduced number of authorities proposed in the Draft Bill. Referring to suggestions that the number should be still further reduced, the Association urged that the only reason which has been advanced for such further reduction is the growth of long-distance services. These they regarded as being in a purely experimental stage, and in their opinion, it would be inadvisable to base recommendations on a state of affairs which was unstable (*Jerman*, **M. 39 (a)/5**). With regard to the suggestion that the area over which County Councils would have licensing powers should be extended, the Association submitted that most non-county boroughs had their own traffic problems, for the satisfactory settlement of which local knowledge is essential (**M. 39 (a)/7**).

75. As regards the proposal to establish separate authorities to deal with the licensing of omnibuses over larger areas, the Association felt that similar difficulty would arise and that compulsory combinations of licensing authorities would involve continual friction and ill-feeling. The Association considered, therefore, that the authorities referred to in Clause 55 of the Draft

Bill should retain their licensing powers, but that co-ordination could be obtained by the formation, where necessary, of Joint Advisory Committees, such as have already been formed in certain districts (*Jerman*, Q. 10933). These Advisory Committees would not themselves have any licensing powers, but would consider problems arising out of the services operating in the areas of adjacent licensing authorities.

Association of County Councils in Scotland.

76. The Association expressed general approval of the Draft Road Traffic Bill, but were strongly of the opinion that the licensing authority should be the County Council, except in the case of burghs with a population of over 50,000, where the licensing authority would be the Magistrates of the burgh. (The Convention of Royal Burghs emphatically dissented from this proposed minimum population of 50,000.)

77. The Witnesses representing the Association recognised and approved the principle of licensing areas larger than the county in view of the growing importance of road traffic, and agreed that Scotland might be divided into large traffic areas for licensing purposes (*Walker, Cruickshank and Mitchell*, M. 35/1-4; Q. 9204-8).

Procedure in Northern Ireland.

78. Although not presented in the form of proposals recommended for adoption, we received much interesting and valuable information regarding licensing in Northern Ireland from the President of the Municipal Tramways and Transport Association, who has recently been appointed General Manager and Chief Engineer of the Belfast City Tramways and Transport Undertaking. This information was not included in the Association's Memorandum of Evidence, but was furnished by the Witness in a personal capacity and not as a representative of the Association.

79. By the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, the Ministry of Home Affairs was constituted the sole licensing authority for public service vehicles and their drivers and conductors. By the same Act, the Council of any county borough or urban district was given power to make byelaws as respects public service vehicles operating within their district. These byelaws are subject to the approval of the Ministry of Home Affairs, and may be made for the purpose of preventing vehicles from plying for hire on specified streets or in any specified area; for prescribing stands or starting places; for prescribing the routes to be followed from one specified point to another within the district; and for prescribing the points within the district, other than stands and starting places, at which public service vehicles may stop for the purpose of taking up or setting down passengers.

80. Any person desiring to provide a service must first apply to the Ministry of Home Affairs for a licence, which may be refused if the applicant has previously obtained a licence and such licence has been revoked or suspended, or if he has failed to observe any of the conditions of a licence previously granted. Further, a licence is not granted if the applicant fails to satisfy the licensing officer that his vehicle conforms to the conditions of fitness laid down by the Ministry, that he is of good character and business repute, and that his financial position is such that he is a fit and proper person to hold a licence.

81. In addition to this licence, no owner is permitted to provide a service on any route unless he has obtained a Route Card indicating the route upon which his vehicle is to be used. Such number of Route Cards as is necessary for the efficient operation of a service is issued in every case, but only such number. These Cards are issued only after the owner has given an undertaking to the Ministry that the omnibus service in respect of which the Card is granted will be operated in accordance with the schedules both of times and fares which have been approved by the Ministry. Failure to do so may involve the revocation of the grant of a Route Card for the service and of licences granted for the vehicles in use. Route Cards may be transferred from one vehicle to another in the same ownership, but may not be transferred in any circumstances, even temporarily, from one operator to another. In the event of an operator ceasing to maintain a service for which Route Cards have been granted, the Cards appropriate to the discontinued service must be returned to the Licensing Officer from whom they were obtained.

The combined effect of the licence to ply for hire and of the Route Card is substantially the same as that of the Public Service Vehicle Licence and the Road Service Licence proposed in the Draft Road Traffic Bill.

CHAPTER III.

PROPOSALS OF THE COMMISSION.

Introductory.

82. We have carefully weighed and considered all this evidence and the various proposals, in many respects conflicting, which have been put before us. In doing so we could not fail to observe that the majority of the Witnesses advocated the division of the country into large areas for licensing purposes with a view to obtaining a proper control and co-ordination of road services. The principal exceptions were those Witnesses who represented the various associations of local authorities, all of which appeared to be anxious to retain or to obtain licensing powers, though there was a great divergence between the proposals they put forward.

83. For example, the County Councils Association proposed that licensing powers should be confined to County Councils and County Borough Councils, while the Association of Municipal Corporations would retain them for all boroughs and urban districts with a population of 20,000 or over (as proposed in the Draft Road Traffic Bill), and also for boroughs with a smaller population if they had their own police forces. The Urban District Councils Association suggested that certain non-county boroughs, urban districts and rural districts with less than 20,000 should have these powers if they were adjoining and the combined populations amounted to 20,000. In such cases the Association proposed the formation of joint committees. This Association also suggested that any Urban District Council with a population of under 20,000 which has obtained powers to run motor omnibuses should retain its licensing powers. The Rural District Councils Association suggested that the powers should be conferred on all Councils of rural districts with a population of 20,000 or over. On the other hand, the Witnesses appearing for the Association of County Councils in Scotland agreed to the principle of licensing areas larger than the county.

84. As a result of our deliberations we have unanimously come to the definite conclusion that, as modern road passenger transport has grown to such importance (an importance which is certain to increase), the present chaotic system of licensing, which is based upon obsolete laws passed long before mechanical traction existed, must disappear and be replaced by an entirely different system more suited to present-day needs.

85. The evils of the present system, or lack of system, are patent to the most casual observer. First, the public service vehicle of to-day operates over large areas which bear little or no relation to the relatively small areas of existing licensing authorities. Every local authority naturally looks to securing efficient transport facilities within its own boundaries and the district immediately surrounding, and has comparatively little

interest in long-distance through services or even in services to and from towns some distance off. From their point of view, such services merely add to the congestion of the streets and to some extent compete with local services.

86. Second, although there are over 1,300 licensing authorities in Great Britain, in many parts of the country there is no such authority at all. Even in those areas where licensing laws may be put into operation, we are very doubtful whether in certain cases the licensing authorities exercise their powers as fully as they might. As a result, almost anybody can obtain a licence somewhere or else, owing to inadequate penalties, it may be profitable for a proprietor to operate unlicensed vehicles in spite of the fines inflicted for this breach of the law (*see* paragraph 18). It follows that in many places the congestion on the roads is increased by unnecessary vehicles which, by running just in advance of regular services and tapping their traffic, render them unremunerative. In order to do this, racing and cutting-in take place to the serious danger of the public. Further, by skimming the cream off the best-paying routes they prevent the regular operators from providing services on less remunerative routes, thereby depriving a section of the public of convenient facilities. In circumstances such as these it is obvious that no sort of co-ordination of transport is possible. In addition, there can be no proper inspection of these public service vehicles, with the result that there are undoubtedly, at the present time, an appreciable number of vehicles on the road which are in an undesirable condition if not actually unfit for use. This state of affairs must, of necessity, increase the risk of deplorable accidents such as those which have of late shocked the public.

87. A third objection to the present system is that many local authorities are themselves owners and operators of transport, and although no definite case of unfair discrimination has been put before us there can be no doubt that, when functioning as licensing authorities, their actions are suspect to many of their competitors. This aspect of the case was insisted upon by several Witnesses (*Howley*, M. 17/42-3, Q. 5262, 5612-4; *Spencer*, Q. 4540, 4602). We consider that it is undesirable that a judge should be open to suspicion on the ground that he is interested in an organisation that may be in rivalry with the applicant.

88. For such reasons we were forced to the conclusion that for the present system must be substituted something radically different. It is true that in the Draft Road Traffic Bill the Ministry proposed to reduce the number of licensing authorities from the present number of about 1,300 to approximately 350, and to give licensing powers to County Councils so as to cover those parts of the country where there is now no licensing authority. But this proposal does not, in our opinion, go nearly far enough, since it does not meet the objections set out above.

89. The problem confronting us involves two distinct questions. First, there is the question of the traffic area and, second, that of the licensing authority. Before passing on to the detailed consideration of these two subjects we wish it to be clearly understood that, so far as this Report is concerned, the recommendations which we make are not intended to apply to the London Traffic Area. In many matters, including those concerned with transport, London has problems peculiar to itself which call for special treatment. The London Traffic Act was passed in 1924 to make provision for the control and regulation of traffic in and near London, and we do not feel called upon to offer any detailed comments upon its operation.

90. We do not wish it to be understood, however, that we are satisfied with the present condition of affairs in London. The London Traffic Act does not appear to have fulfilled altogether the intentions of its authors. The division of authority between the Home Office, which is responsible for the Police, who are the licensing authority, and the Ministry of Transport, which is charged with the duty of regulating and co-ordinating traffic and is advised by the London Traffic Advisory Committee set up by the Act, introduces a needless and troublesome complication. We cannot help thinking that some such plan as we suggest for the rest of the country should, *mutatis mutandis*, be applied to London.

Traffic Areas.

91. A reference to the suggestions which have been made to us shows clearly that the principle of the establishment of traffic areas, which was frequently recommended to us for adoption, is generally acceptable. In some cases (*e.g.*, Urban District Councils Association) it was proposed that these areas should be allowed to shape themselves naturally as a result of voluntary association of neighbouring local authorities rather than that they should be determined arbitrarily, but the Association did admit that in certain exceptional cases provision should be made for the constitution of Traffic Boards for extensive areas (*Postlethwaite*, **M. 38/17**).

92. We are in complete agreement with the principle of large traffic areas—indeed, we fail to see any other practical and satisfactory alternative—and, following upon the general conclusion at which we have arrived, we recommend that for the purposes of the licensing of public service vehicles and the co-ordination of all passenger-carrying services, Great Britain shall be divided into Traffic Areas.

93. We do not consider that it is within our province precisely to delimit the actual areas which should be prescribed; this duty falls more properly to the Minister of Transport when preparing the Bill which will be necessary to give effect to our recommendations. We attach, however, as Appendices to this Report, two

maps upon which are indicated the areas which we consider should be substantially adopted. On the map of England and Wales we show ten areas and four on that of Scotland. Although in the main the boundaries of these areas coincide with those of counties, our primary concern has been to define areas upon traffic considerations and not to be influenced unduly by the existence of the boundaries of local authorities.

In our view, the delimitation of the areas which are ultimately fixed should form part of the Bill, subject to power being given to the Minister to vary or adjust the boundaries after holding an Inquiry, where experience may show that variation or adjustment is desirable.

The Licensing Authority.

94. While there is substantial agreement regarding the question of traffic areas, the constitution of the new licensing authority is a subject upon which there is great diversity of opinion. This we admit is a most difficult and contentious problem to solve, but the fact that so many different views are held has been to us a source of help rather than of hindrance for it has enabled us to examine the problem from every aspect and to consider opinions expressed from the most divergent angles.

95. What is to be the licensing authority in each area? It has been suggested that all that requires to be done can be effected by the voluntary association of the licensing authorities proposed in the Draft Road Traffic Bill, on lines similar to those adopted in the Middlesbrough and other areas.

While admitting that the results of these voluntary efforts have invariably tended to improve conditions, we cannot accept this view. In the first place, although for years it has been open to existing licensing authorities to enter into this relationship with each other, very few joint licensing advisory committees have been formed. Secondly, it is always possible for an individual authority to abstain from taking part in the scheme and thus to render ineffective much of the work of the Committee. A case of this description was cited by a Witness representing the Association of County Councils in Scotland (*Walker*, Q. 9453). It appears that a practically uniform system of licensing would be in force throughout the County of Lanark but for the fact that the burghs of Airdrie and Coatbridge have not been willing to come into the scheme. As regards the desirability of compulsory combinations of licensing authorities, the Association of Municipal Corporations definitely expressed an adverse opinion (*Jerman*, Q. 10933; 10941). Thirdly, the joint committee is advisory only and has no power to grant or refuse to grant a licence; its powers are confined to making recommendations. Licensing authorities exercise to a large extent judicial functions, and we do not consider that these functions can be said to have been properly exercised if, merely acting upon the recommendations of an advisory committee, they come to a decision on an application which they themselves have not considered and

regarding which they have not heard the evidence which has been tendered.

96. Our thoughts then turned in the direction of a Board upon which there would be direct representation of all interests concerned; the representation which we had in mind would be something similar to that of the London Traffic Advisory Committee whose members are representative of Government Departments, local authorities, the police and, for certain purposes, of the interests of labour engaged in the transport industry, of persons providing means of transport and of users of transport. This idea we rejected, however, as in our opinion it would be unsuitable for a body carrying out the quasi-judicial duties with which we consider the licensing authority should be charged, although it may be appropriate for a body acting in a purely advisory capacity.

97. In the same order of thought we passed to consideration of a Board in each area consisting of an independent Chairman to be appointed by the Minister of Transport and of representatives of all those local authorities in the area who, under the scheme of the Draft Road Traffic Bill, would be licensing authorities. On the face of it there is much to commend this plan, which would give local authorities some control of licensing. But there are grave objections to it. It would mean the setting up of new and cumbrous *ad hoc* authorities. In order that the scheme might be fair in principle, representation would have to be based on population, and in most of the areas this would result in the Boards being unwieldy in size unless the smaller authorities were grouped together for the purpose of representation—a plan to which many local authorities would be certain strongly to object. Then although it might modify, it would not entirely remove the objections of independent operators to persons and bodies themselves interested in transport having the right to refuse licences to others. None of the Witnesses suggested such a plan. Under these circumstances we felt compelled to reject it.

98. Before proceeding with the examination of other alternative possibilities, we again directed consideration to the position of local authorities in relation to licensing, and in this connection we wish to refer to the Departmental Committee on the Licensing and Regulation of Public Service Vehicles, as their recommendations form the basis of the proposals in Part IV of the Draft Road Traffic Bill.

Appointed in 1922 with Sir Henry Maybury as Chairman, the Committee issued their First Interim Report in May, 1925. Having commented upon the unsatisfactory character of the existing procedure and upon the urgent need for change, the Committee passed to the consideration of alternatives. Paragraph 29 of the Report reads as follows:—

The Committee recognised at the outset that local considerations and circumstances had an important bearing on licensing and, following the principles of government already established, decided that it was desirable that the licensing authority should be a local

body. Their deliberations as to the most suitable local body for the purpose led them to the conclusion that the setting up of a new *ad hoc* authority would be undesirable. It would entail considerable expenditure on the provision of separate offices and staff, and would withdraw from authorities already in part exercising them certain of their powers, while the administration of a large area of composite character might be likely to give rise to conflicting issues and practical difficulties. For similar reasons and although they were strongly in favour of co-operation between adjoining local authorities in licensing matters they did not think that a single licensing authority should be formed by a combination of existing local authorities. In both cases the proposals seemed an attempt to bridge the gap between local and central government which is best left plain and clear. The responsibility should, in their opinion, be placed without equivocation upon a directly elected body and not upon a body consisting of nominated members having only a secondary responsibility and being divorced from the checks which election must occasion. They were thus eventually driven to a review of the local authorities now existing throughout the country for the purpose of determining which of them should be entitled to continue or to assume the duty of exercising licensing powers.

99. With much of this we find ourselves in agreement, and had we considered the subject during the three years when the Committee took evidence and in the first half of 1925 when they reported, we might very possibly have reached the same conclusions. But Sir Henry Maybury himself reminded us that "things have moved since those days" (Q. 620); and one must remember that nearly five years have passed since the Report was published—years of most remarkable development in the industry of road transport. This development and the ever-increasing range of activities of the modern public service vehicle have, in our view, completely altered the relationship between local authorities and licensing. Whatever may have been the case prior to 1925, we feel that the time has now been reached when the inherent distinction between licensing and local control must be admitted. In the early days the terms "licensing" and "local control" were almost synonymous, but gradually and since the War with great and increasing rapidity, it has become apparent that there is a fundamental difference between them. To-day the expressions connote two absolutely distinct sets of problems—connected by the most slender thread only—each of which imports different considerations and calls for different treatment.

100. We have carefully considered the representations made on behalf of the various local authorities. As a general principle we fully recognise the desirability of local authorities having, so far as practicable, control within their areas of all matters affecting the public interest of the community, and we are reluctant to make any recommendation which may appear to run counter to this principle. In regard, however, to the question of the licensing of public service vehicles we have been irresistibly driven to the conclusion that in the present day conditions of road passenger transport services, effective control, regulation and co-ordination cannot be secured by the retention of even the

larger authorities as the licensing bodies. On the other hand, we are satisfied that local authorities should retain powers enabling them to exercise a very considerable control over the public service vehicles passing through their districts.

101. This brings us to the proposals made by the Transport and General Workers' Union and by the London and Provincial Omnibus Owners' Association. Each of these bodies, although approaching the problem from different angles, suggested the division of the country into large transport areas, and each proposed the appointment of a Commissioner or Commissioners in these areas. It is true that in detail the suggestions differed, but in principle they were identical.

102. We believe that the only satisfactory solution will be found in the adoption of this principle, and it is for this reason that we now make our second main recommendation, namely, that for the purposes of the licensing of public service vehicles and the co-ordination of all passenger-carrying services, three Commissioners should be appointed in each Traffic Area.

103. We are perfectly aware that some local authorities may at first be inclined to regard our proposals as being subversive of the principles of local government, but we believe that when they have had an opportunity of fully considering the problem in all its aspects as presented in evidence before us, they will concur in the view, so generally held, that larger areas than even county units must be delimited for licensing purposes. If this be admitted, further reflection is bound to show that, for the reasons stated in this Report, the existing authorities, either acting by themselves or in combination with others, would not be suitable or convenient bodies to exercise licensing control over the extended area.

104. It must also be borne in mind that it is by the application of an old Act, passed under totally different circumstances, to a new and entirely unforeseen condition of affairs that local authorities are the licensing authorities for mechanically propelled public service vehicles. Nor could we fail to be impressed by the fact that as local authorities they have not spoken to us with one voice; on the contrary, it is clear that there exists the widest divergence of opinion between them as to which authorities should or should not have powers to license—a divergence of opinion that is almost as bewildering and chaotic as the present licensing system. Further, while proposing to take away from them the right to license, we propose to leave to them the power to make regulations as to stands and stopping places and the routes to be followed within their districts. We deal with these matters in paragraphs 117 and 118, and we believe that local authorities care more for control of this character than they do for the right to license.

105. We would point out that the principle of the plan proposed by us is neither unknown nor untried. It is virtually that

which is in operation in Northern Ireland, an area not dissimilar in size to most of the areas proposed in Great Britain. There the Minister of Home Affairs is the sole licensing authority, but local authorities can make bye-laws subject to his approval.

It should be noted, moreover, that there is only one licensing authority for the whole of the London Police District, viz., the Commissioner of Police. Neither the City Corporation, nor the London County Council, nor any Metropolitan Borough Council, nor the Council of any county, borough or urban district situated outside the County of London but within the Metropolitan Police District, is a licensing authority for public service vehicles.

In the majority of the States in America there are Transport Commissioners whose certificates of "public convenience and necessity" must be obtained before an "auto-transportation" company can legally operate on any public highway for the transportation for hire of persons or, incidentally, of goods.

106. We may add that, before finally determining upon the scheme now recommended, we reviewed the possibility of conferring upon local authorities the power to license those public service vehicles which only ply for hire within the boundaries of the authority concerned, and which may, therefore, be regarded as carrying on a purely local service, but after careful deliberation we came to the conclusion that such an arrangement would not be feasible in view of our other recommendations.

So far as our information goes, there are comparatively few local authorities with a passenger transport service restricted entirely to their own areas. In almost every case, at least some of the vehicles licensed by a local authority ply in the surrounding districts outside the municipal boundaries. Further, with the development of long-distance traffic it seems evident that every area without exception will sooner or later be traversed by through vehicles.

In these circumstances it seemed to us that, if the principle of delimiting Traffic Areas and appointing Area Commissioners as the licensing authority therein were adopted, the retention of the local authorities as licensing authorities would, even in the case of the larger cities, involve a system of dual licensing control, and the consequent possibility of complications as between the local authorities and the Area Commissioners. As already stated, it has been our object to avoid any such complications, and to devise a scheme, the administration of which should be as simple as possible.

Appointment of Area Commissioners.

107. We recommend that the three Commissioners in each Traffic Area should be appointed by the Minister of Transport. The Chairman should be appointed direct, and should be a whole-time paid officer. He should hold office for such term not exceeding seven years from the date of his appointment as may be

determined at the time of his appointment and then retire, but should be eligible for reappointment.

The other two Commissioners, though they should have equal status with the Chairman, should not be whole-time officers, but might receive such remuneration, if any, and expenses as the Minister may determine. They should hold office for such term not exceeding three years from the dates of their respective appointments as may be determined at the time of appointment, and then retire, but should be eligible for reappointment. In the case of these two Commissioners we recommend that there should be some consultation on the part of the Minister with the principal local authorities before they are appointed.

108. Two alternative methods of securing this occur to us. First, in the case of one Commissioner we consider that the Minister might consult with such body or bodies as he may consider most representative of County Councils, and in the case of the other with such body or bodies as he may consider most representative of the Councils of county boroughs and boroughs. This would provide an opportunity for the representative bodies to put forward their suggestions regarding all Commissioners (other than the Chairmen) throughout the country.

The second course would be to constitute two panels in each Traffic Area, and for the Minister to select one person from each panel for appointment as Commissioner. The first panel might consist of persons nominated by the County Councils in the Area—each Council nominating one person. Similarly, the second panel might consist of nominations by the Council of each county borough and borough in the Area—each Council having the right to nominate one person. In neither case do we suggest that any person so nominated should necessarily be a member of the nominating Council. A person nominated should, we think, remain on the panel for three years, and at the end of that period the nominating Council should have an opportunity to change or reappoint its nominee as it may think fit.

While we have no desire in any way to fetter the discretion of the Minister in this matter, we would express a preference for the second alternative, which appears to us to be the more satisfactory.

Duties and Functions of Area Commissioners.

109. As we consider that the Commissioners should be made responsible for the co-ordination of all passenger-carrying services (including tram and trackless trolley services) within their respective areas, we are of opinion that the fullest powers should be conferred upon them in order that they may be in a position to carry out these duties effectively.

We therefore recommend that:—

(i) The Commissioners shall be within their respective Areas the sole authority for licensing public service vehicles constructed

or adapted to carry nine or more persons and also for licensing the drivers and conductors of these vehicles. For the latter purpose the Commissioners should be empowered to make suitable arrangements, if they think fit, with local authorities.

(ii) The Commissioners shall be required to give reasonable notice to the Commissioners of any other Area or to any local authority of any application which may affect such other Area or local authority.

(iii) For the purposes of considering applications for licences and the "backing" of licences granted in another Area, the Commissioners shall sit in public at convenient stated dates and places.

(iv) The Commissioners shall have discretion to hear and consider representations from persons other than applicants, but it shall be their duty to hear and consider any representations which any local authority, passenger transport undertaker, or other body or person directly interested in or affected by the proposed service may desire to make, unless the Commissioners consider such representations to be frivolous.

(v) The Commissioners shall have power to grant or refuse to grant any licence and to "back" or refuse to "back" any Route Licence granted by the Commissioners of another Area. In granting or "backing" a Route Licence the Commissioners shall have power to attach reasonable conditions to such licence. In coming to a decision upon any application, the Commissioners shall act judicially and shall have regard to the following considerations :—

(a) The traffic needs of the whole Area.

(b) The provision of adequate and efficient services throughout the Area.

(c) The elimination of unnecessary services.

(d) The provision, where possible, of services on routes which in themselves are unremunerative.

(e) The co-ordination of all forms of passenger transport in the Area, *e.g.* the provision of motor omnibus services to extend and feed tramway and trackless trolley systems rather than to compete with them, and the co-ordination of road and rail services.

(vi) The Commissioners shall cause the time-tables of all regular services to be submitted to them, and shall satisfy themselves that such time-tables are so arranged as to provide the public with adequate facilities at convenient hours and in such manner that the legal maximum speed limit for the vehicles used will not be exceeded.

(vii) The Commissioners shall satisfy themselves that the fares charged or proposed to be charged are reasonable and, if representations have been made to them and if they consider it necessary in the public interest, may, after holding a public inquiry, fix maximum and minimum fares for any service in their Area.

(viii) Generally, the Commissioners shall aim at establishing an adequate passenger transport service in their Area, creating what has been termed by several Witnesses a "controlled monopoly," *i.e.*, the provision of services by an adequate number of efficient undertakings which, for the safeguarding of the interests of the public, would be subject to strict control.

(ix) The Commissioners shall submit an Annual Report to the Minister.

Expenses of Area Commissioners.

110. We realise that it will be necessary to provide the Commissioners with funds, and we have considered how best this may be done. We do not think that it would be equitable to ask those who provide passenger services by road to bear the whole cost in every case, as we feel that the differing circumstances in the individual Areas might lead to inequitable results. For example, in an Area in which a large number of vehicles operated the cost of administration per vehicle would be relatively light as compared with the cost per vehicle in an Area in which less numerous services are provided. Taking all factors into consideration, we have come to the conclusion that the expenses of Commissioners should be met partly from the proceeds of fees for licences. Any deficiency should be met from the Road Fund, and conversely, any surplus should be credited to the Road Fund.

111. The fee for the Certificate of Fitness will be paid direct by the proprietor of the vehicle to the Certifying Officer, and, therefore, will not directly concern the Commissioners (*see* paragraph 123). Of the licences which the Commissioners will have power to grant, we consider that for the Public Service Vehicle Licences a fee not exceeding £2 2s. or thereabouts should be charged in respect of each vehicle. The Route Licence and licences for drivers and conductors should, we recommend, be issued at nominal fees, say, 5s. per licence.

112. It may be that the most satisfactory arrangement will be that all payments shall be made to or from the Road Fund. To this we see no objection and, in any case, we consider and recommend that the accounts of the Commissioners shall be subject to audit by the Minister.

Appointment of Officers.

113. We recommend that the Commissioners shall have power to appoint Certifying Officers and, subject to the approval of the Minister, to appoint such staff (including Public Service Vehicle Examiners) as may be necessary for the proper execution of their duties.

Appeals.

114. Although it is our intention that the Commissioners should have full and comprehensive powers with regard to licensing, we think it would be undesirable to rule out the possibility of any appeal against their decisions.

Under Section 14 (3) of the Roads Act, 1920, if a licensing authority refuses to grant a licence or grants a licence subject to conditions, in either case the applicant has a right of appeal to the Minister. Clause 73 (Appeals to the Minister) of the Draft Road Traffic Bill proposes to re-enact this right of appeal and to apply it to applicants for Certificates of Fitness, Public Service Vehicle Licences and Road Service Licences. We approve of the provisions of this Clause under which it will be possible for the Minister to deal with cases where a difference of opinion between the Commissioners of different Areas has led to conflicting decisions. We trust, however, that cases of this description will be few, as we believe that there will be the closest co-operation and harmony between the Commissioners of the various Areas.

No licence regarding which an appeal is pending should become operative until the appeal has been decided.

115. It has been represented to us that the absence of a right of appeal by one undertaking against the grant of a licence to another undertaking constitutes a serious defect in the present system and that proposed in the Draft Bill (*Howley*, **M. 17/30**, Q. 5217; *Spencer*, **M. 15/34-5**; *Hobson*, **M. 36/37**, Q. 9701). We have considered this point and agree that there may possibly be some substance in it when regarded from the point of view of either the existing system or that proposed in the Draft Bill. Our recommendations, however, follow a totally different line and we feel that, having regard to the detailed duties which we recommend should be placed upon the Commissioners and to the explicit directions which should be given to them, it would be a mistake to extend the scope of the appeal provisions in the direction indicated, as such extension, in our opinion, would only increase the difficulties of the Commissioners without conferring any corresponding benefit on operators.

116. As regards drivers' and conductors' licences, we recommend that the right of appeal should lie to a Court of Summary Jurisdiction as provided for in Clause 74 (Appeals to Courts of Summary Jurisdiction).

Powers of Local Authorities.

117. Although we are satisfied that the power to license the public service vehicles to which our recommendations apply should be transferred from local authorities, we are equally satisfied of the need that some local authorities must be given powers to regulate such vehicles within their areas.

We recommend, therefore, that to all existing licensing authorities and to all County Councils to which this Report relates, powers should be given to make regulations as regards public service vehicles. These regulations, which would not be operative unless confirmed by the Minister after consultation with the Area Commissioners, and which would have force only within the area of the authority making them, might be made for the following purposes :—

(i) for preventing any such vehicles from carrying passengers for hire or reward on specified streets or in any specified area ;

(ii) for prescribing the routes to be followed by such vehicles within the district ; and

(iii) for prescribing stands and stopping places and the manner of using such stands and stopping places and for preventing such vehicles from standing or stopping at places other than those prescribed.

118. In addition to these matters we are not unmindful of the fact that, as our recommendations apply only to public service vehicles constructed to carry nine or more persons, a large number of vehicles (mainly taxicabs) remain to be considered. As the operation of these vehicles is essentially local in character, we recommend that the power to license them and their drivers should be retained as at present and that no alteration should be made in the law.

Proposed Scheme for Licensing.

119. Turning now to the scheme for licensing which we consider should be adopted, we come to the provisions of Part IV of the Draft Road Traffic Bill which, as we have already mentioned, was published by the Ministry in 1927. In our opinion, the proposals, with the exception of those relating to the retention of local authorities as licensing authorities, constitute a well-considered scheme for bringing the existing law up to date and we were not surprised to learn that, speaking generally, they have received the support of all interests concerned.

Subject, therefore, to our important recommendations regarding Traffic Areas and the appointment of Area Commissioners as licensing authorities in place of local authorities, and subject also to certain other modifications more specifically mentioned in our comments on the individual Clauses, we recommend that, *mutatis mutandis*, the proposals contained in Part IV of the Bill should be adopted.

Classification of Public Service Vehicles.

120. Clause 50 (Classification of public service vehicles) defines these vehicles as “ motor vehicles (other than tramcars and trackless trolley vehicles) used for carrying passengers for hire or reward ” and classifies them as “ stage carriages ”, “ express

carriages ” and “ contract carriages ”. The first represents the ordinary omnibus carrying passengers for short stages ; the second, the long-distance coach carrying passengers at separate fares ; the third, the vehicle which is hired as a whole.

We have accepted the definitions (*see* paragraph 4) with one alteration. We consider that express carriages should include those where no fare is less than sixpence (and not threepence as in the Bill). This will necessitate a consequential amendment in the definition of stage carriage.

Public Service Vehicle Licences.

121. Clause 51 (Public Service Vehicle Licences) would make it an offence to use a vehicle as a stage carriage or as an express carriage or as a contract carriage, if it is not licensed as a vehicle of that class, provided that a vehicle licensed as a stage carriage may be used as an express carriage or as a contract carriage, and one licensed as an express carriage may be used as a contract carriage.

We think, however, that a limited discretion may here be given to the Area Commissioners, and that in the case of a service of stage carriages where no fare is less than threepence, it should not be an offence to use on that service a vehicle licensed as an express carriage if consent in writing to such use has been obtained from the Commissioners. This would meet the case of certain existing services.

Penalties.

122. As the penalty suggested in Clause 86 (Penalties and Legal Proceedings) for the offence of operating a vehicle without a licence is to be a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, a fine not exceeding fifty pounds, or imprisonment for a term not exceeding three months, we do not think that operators will continue to find it profitable to run unlicensed vehicles (*see* paragraph 18).

Certificates of Fitness.

123. Clause 52 (Certificates of Fitness) provides that, before a Public Service Vehicle Licence can be granted, a Certificate of Fitness must have been obtained, implying that the vehicle complies with the constructional requirements to be prescribed by Order of the Minister of Transport. In Clause 71 (1) (Appointment of Officers) provision is made for the appointment by the Minister of Certifying Officers, whose duty it would be to examine vehicles and issue Certificates of Fitness. These officers would be properly-qualified automobile engineers ; they would be paid fees on a prescribed scale in respect of the vehicles they inspect, and their duties in connection with the inspection and certification of vehicles would not occupy the whole of their time. A Certificate of Fitness would normally

be valid for a period of five years, but provision is made for re-examination if circumstances, such as, for example, reconstruction of the vehicle, render it desirable.

Many motor omnibuses and coaches are, of course, manufactured to standard specifications, and vehicles of a particular type are, therefore, substantially identical in design and construction. To meet cases of this nature, it is provided in Clause 52 (5) that a manufacturer may obtain from the Minister a declaration that a vehicle conforms with an approved type. On the production of this declaration the procedure for obtaining a Certificate of Fitness would be considerably simplified and would allow of smaller fees being charged for vehicles of approved design.

With the recommendation that, in our opinion, the Certifying Officers should be appointed by the Area Commissioners instead of by the Minister, we approve these proposals which, we think, will ensure a satisfactory standard of construction of public service vehicles.

Public Service Vehicle Examiners.

124. We also approve the proposals in Clause 71 (2) for the appointment of Public Service Vehicle Examiners for the purpose of inspecting licensed vehicles and ensuring that they are satisfactorily maintained. Supervision of the maintenance of public service vehicles is, at present, only exercised by the Hackney Carriage Inspectors employed by certain licensing authorities. The appointment of Public Service Vehicle Examiners would extend this supervision throughout the country. Vehicles would not only be inspected when annual renewal of the Public Service Vehicle Licence was applied for, but the Examiners would have power to stop and inspect, and, if necessary, suspend vehicles at any time under Clause 63 (Suspension and revocation of vehicle licences for defects).

We attach great importance to these proposals as they are calculated to ensure a complete and thorough system of inspection, and we were glad to learn from the Ministry of Transport that no substantial objection has been raised against them (*Piggott*, Q. 332).

The Bill provides that licensing authorities may make arrangements with any police authority for the appointment of members of their police force as Public Service Vehicle Examiners, and, whilst we would allow the utmost discretion to the Area Commissioners as to the persons they employ in this capacity, we think they will probably find it convenient to utilise the part-time or whole-time services of suitably qualified police officers in the various districts within their Areas.

Route Licences.

125. Clause 53 (Road Service Licences) of the Draft Bill prescribes that a vehicle may not be used as a stage carriage

or as an express carriage unless the operator is the holder of a Road Service Licence or, as we prefer to call it, a " Route Licence ". This Licence would relate to the particular service to be provided by one or more vehicles, and by attaching conditions to these licences the licensing authority could exercise control over the services.

126. Clause 59 (Validity of licences in other areas and backing licences) provides that, in the case of a service of stage carriages passing through the areas of more than one licensing authority, the Road Service (Route) Licence would have to be endorsed or " backed " by each authority other than that which originally issued the licence, but in the case of a service of express carriages, the " backing " would only be necessary if the licensing authority so required. Any licensing authority, when " backing " a licence, could attach conditions which would apply within the area of that authority.

Conditions attaching to Route Licences.

127. The Bill (Clause 53 (3)) provides that the conditions which may be attached to Road Service (Route) Licences may be such as will secure :—

- (i) the provision of suitable services ;
 - (ii) the route to be followed ;
 - (iii) the suitability of the vehicles for the route,
- and, in the case of stage carriages only,
- (iv) that the fares shall not be unreasonably high ; and
 - (v) that where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport (if any) along the route or any part thereof, or in proximity thereto.

128. It will be observed that the provisions of the Clause relating to the imposition of conditions as to fares are confined to stage carriages. We were informed by the Ministry that it had been suggested that the provisions should be extended to express carriage (*i.e.*, motor coach) services, but the Ministry considered that, in spite of the large reduction in the number of licensing authorities proposed in the Bill, the long-distance services would still pass through the areas of so many authorities that it would hardly seem practicable to secure effectively, through the licensing machinery contemplated in the Bill, any control that might be desired of routes, fares, etc., in regard to these services (*Piggott, M. 2/23*).

With the large Traffic Areas which we recommend, this objection no longer holds good. In our opinion it is necessary that, if the Commissioners are to exercise adequate control over these matters, they should take fares into consideration in connection with all services, and we recommend, therefore, that Commissioners should have power to attach to all licences such conditions as they may think fit for securing, not only the suitability

of the service, the route and the vehicle, but also the reasonableness of the fares charged having regard to all the circumstances of the case.

With regard to the "backing" of licences for express carriage services, however, we consider that "backing" should only be necessary in any Traffic Area in which passengers are taken up and set down.

129. In addition, the Clause should be amended so as to empower the Area Commissioners to require all time-tables to be submitted to them for approval, and that when approved the appropriate time-table should be displayed inside the vehicle.

One of our principal objects in making this recommendation is to secure that the maximum speed limit of 35 m.p.h., which we recommend in our First Report for these vehicles, shall not be exceeded. The time-table should be a valuable check on regular services, but we recognise that time-tables are impossible in the cases of contract carriages and special trips. In these cases, the observance of the speed limit can only be enforced by the police, and we suggest that it would be desirable if a certain number of constables in each area were mounted on motor cycles and employed on these duties.

130. We also recommend that the Commissioners should be empowered to attach conditions relating to hours, wages and conditions of service. We consider that these matters may have, in many cases, a direct bearing on the safety of the public.

Suspension and Revocation of Route Licences.

131. Clause 64 (Revocation of road service licences for non-compliance with conditions) provides that a Road Service (Route) Licence or the "backing" of the licence may be revoked for non-compliance with any condition subject to which the licence was granted or "backed." We agree with this Clause, but consider that, in addition to revocation, provision should be made for suspension. We also agree with Clause 65 (Suspension and revocation of licences for offences) which provides for the suspension and revocation of licences where the holder is convicted of any of the offences set out in the Clause.

CHAPTER IV.

REMAINING PROVISIONS OF THE DRAFT ROAD TRAFFIC BILL.

132. We now proceed to deal with the remaining provisions of Part IV of the Draft Road Traffic Bill.

Licensing Authorities.

133. It is proposed by Clauses 55 (Licensing Authorities) and 82 (Application to Scotland) to retain certain only of the existing licensing authorities and to invest County Councils with powers to license. For the reasons already given, we do not agree with this proposal and have already made our recommendations on the subject.

Clause 56 (Disqualification of members of licensing authorities) would provide that no person shall take part in the proceedings of a licensing authority if he is the holder of or an applicant for a Public Service Vehicle Licence or if he is a partner of any such holder or applicant or if he is financially interested in any road transport undertaking carrying passengers.

In view of our recommendations this Clause is unnecessary, although the disqualifications would naturally apply to the appointment of Area Commissioners.

Licences.

134. Clause 57 (Authorities to which applications for new licences to be made) provides that applications for Public Service Vehicle Licences and Road Service (Route) Licences should be made to the licensing authority of the area within or through which the vehicle is intended to be operated or the service is intended to start, or, in the case of a vehicle intended to be run or a service to be operated between two terminal points, to the licensing authority of the area in which either of such points is situated.

With the adoption of large Traffic Areas, probably the majority of vehicles and services will be operated within the one area and there will be no question as to the appropriate authority for the issue of the licence, but to cover cases where two or more areas are involved, we agree that provisions on the lines of Clause 57 should be made.

A contract carriage would only require a Public Service Vehicle Licence from the Commissioners in whose area it is normally used, or in which it is usually garaged.

135. Clause 72 (Notices by Licensing Authorities) requires every licensing authority which "backs" or refuses to "back" a Road Service (Route) Licence to give notice of the fact to the licensing authority by which the licence was granted, and, if a

licence is "backed" subject to conditions, notice of such conditions. We approve of this provision being made applicable to the Area Commissioners.

136. Clause 60 (Transfer of Licences) provides that a Public Service Vehicle Licence or a Road Service (Route) Licence issued to any person may, with the sanction of the licensing authority by which the licence was granted, be transferred to any other person. We are unable to concur in this proposal as we consider that, when the ownership of a vehicle or the operator of the service is changed, the new owner or operator should be required to make a fresh application for licences.

We have received evidence on the subject of the commercial value which, owing to restriction of competition, has, in recent years, become attached to a licence to ply for hire with an omnibus, and on the highly undesirable practices which have arisen as regards speculation in licences (*Chamberlain, M. 13/23, Q. 3676-87*). In our opinion, a licence should not be saleable or transferable in any circumstances whatsoever. To meet the circumstances which would arise in the case of the death of an owner or operator, however, we think that provision might be made for the issue of a Provisional Licence to the legal representative of the deceased, and that this Provisional Licence should continue in force until the next periodical review of licences by the Area Commissioners.

137. Unless suspended or revoked in the meantime, a Public Service Vehicle Licence or a Road Service (Route) Licence would, under the provisions of Clause 58 (Duration and renewal of licences), continue in force for one year, but the authority originally granting the licence would have power to renew it from time to time for further periods of one year, with or without the imposition of new conditions or the variation or revocation of existing conditions. The Clause provides that the validity of all Road Service (Route) Licences should expire on a prescribed date in each year, including new licences issued less than a year before that date, though if thought desirable a licence may be limited to a certain period of the year. We approve of these proposals.

138. Clause 66 (Revocation of licences by Minister) proposes that the Minister of Transport should have power to revoke any licence if he is satisfied that it should be revoked. With the appointment of Area Commissioners we see no justification for retaining this Clause and recommend that it be deleted.

139. Under the provisions of Clause 67 (Registration of licences) licensing authorities would be required to keep registers containing particulars of licences granted, renewed or backed, and of convictions for offences under the Bill. These registers would be open to inspection by any person on payment of a fee, or by an officer of another licensing authority without payment. We approve of these provisions.

140. Clause 68 (Procedure for granting, etc., licences) confers power on the Minister to make regulations as to the procedure for the granting, renewal, backing, suspension and revocation of licences by licensing authorities, the times of holding meetings of the licensing authority, the particulars to be furnished and the persons to whom notices are to be given, etc., etc. In our opinion the Area Commissioners should be given much greater discretion in these matters than was proposed to be allowed to the local authorities referred to in Clause 55, and we recommend that the Minister's powers to make regulations should be confined to such general matters (*e.g.*, the prescription of standard forms of licences) as will secure uniformity in the various Areas.

Insurance.

141. In our First Report we recommend that insurance against personal injuries to third parties should be a compulsory requirement in the case of all mechanically propelled vehicles. Clause 61 (Insurance policies) of the Draft Bill proposes that in respect of damage to person or property, insurance should be made compulsory in the case of all public service vehicles. Having regard to the fact that public service vehicles are operated for profit, we approve of the proposal that the insurance policy should be extended to cover property.

We are, however, very doubtful of the wisdom of the exemption proposed in the case of proprietors who satisfy the licensing authority of their financial ability to meet all such claims as may be made against them. Proprietors, at the time of application for a licence, may be in a strong financial position and yet, during the currency of the licence, may find themselves, from various causes, unable to meet claims arising out of an accident. We are of opinion that this proposal should be carefully reconsidered.

Accidents.

142. We approve of the proposal in Clause 62 (Duty to give notice of accidents, etc.) that it should be the duty of a holder of a Public Service Vehicle Licence to give notice of any accident to or failure of the vehicle which may affect the safety of passengers or others. In paragraph 69 of our First Report we recommend that a Public Inquiry by the Minister should be made obligatory in the case of all accidents to public service vehicles which involve the death of a passenger or passengers. By the expression "passenger" we intend to include drivers, conductors and other employees of the operator.

Regulations by the Minister.

143. We have already referred to the powers proposed to be conferred on the Minister by Clause 68 whereby he would be enabled to make regulations as to the procedure for the grant, etc., of licences. In addition, it is proposed by Clause 69

(Regulation of conduct of passengers) to enable him to make regulations as to the conduct of passengers in public service vehicles, and by Clause 70 (Regulation of conduct of drivers and conductors) as to the conduct of persons licensed to act as drivers or conductors of these vehicles when acting as such. Further, under Clause 77 (General power of making regulations) the Minister would have power to make regulations as to such general matters as the fees payable for Certificates of Fitness and Licences, the documents and marks to be carried by vehicles, the badges to be worn by drivers and conductors, etc. We agree that the Minister should have power to make regulations on these matters, and recommend that he should also be enabled to make regulations requiring submission by Area Commissioners of Annual Reports and such statistics as he may consider desirable.

We desire, however, to suggest that the present Parliamentary procedure whereby regulations lie on the Table in each House for a certain number of days and then automatically become law unless a motion for their rejection or amendment has been made and carried, is unsatisfactory from the point of view of the protection of the public. We recommend that no regulations dealing with matters arising out of the proposals contained in this Report or in our previous Report shall become law unless motions for their approval have been moved and carried in both Houses.

Drivers and Conductors.

144. We approve of the provisions of Clause 54 (Drivers' and conductors' licences) which require all drivers and conductors to be licensed and which, with a saving proviso for existing licensees, restrict the grant of such licences to persons over the age of twenty-one in the case of a driver and over the age of eighteen in the case of a conductor.

Miscellaneous.

145. We approve of the provisions of Clauses 78 (Restriction on institution of proceedings), 79 (Transitory provisions), 80 (Application to Metropolitan Police District and City of London), 81 (Amendment of 10 and 11 Geo. 5. c. 72. s. (4) (b)), and 83 (Repeals).

In view of our recommendations, however, Clauses 75 (Financial provisions) and 76 (Stands and stopping places) are unnecessary, and Clause 82 (Application to Scotland) should be amended.

CHAPTER V.

SUMMARY OF RECOMMENDATIONS.

146. The following is a summary of our recommendations. They are not intended, however, to apply either to contract carriages constructed to carry less than nine passengers (*see* paragraph 5), or to the London Traffic Area, although there does not appear to us to be any reason why they should not be applied to that Area (*see* paragraphs 89, 90).

General.

(i) Modern road passenger transport has grown to such importance that the present chaotic system of licensing public service vehicles, which is based upon obsolete laws passed long before mechanical traction existed, must be replaced by an entirely new system more suited to present-day needs. (*Paragraph 84.*)

(ii) For the purposes of the licensing of public service vehicles and the co-ordination of all passenger-carrying services,

(a) Great Britain should be divided into Traffic Areas, and

(b) in each Traffic Area there should be appointed three Commissioners. (*Paragraphs 91-106.*)

Traffic Areas.

(iii) Without precisely delimiting the actual Areas which should be prescribed, it is suggested that there should be ten in England and Wales, and four in Scotland. (*Maps in Appendix.*)

(iv) The delimitation of the Areas which are ultimately fixed should form part of the Bill necessary to give effect to the recommendations, but power should be given to the Minister of Transport to vary or adjust the boundaries after holding an Inquiry, where experience may show that variation or adjustment is desirable. (*Paragraph 93.*)

Appointment of Area Commissioners.

(v) The Minister of Transport should appoint the Commissioners. The Chairman should be appointed direct. He should be a whole-time paid officer, and should hold office for such term not exceeding seven years as may be determined, but should be eligible for re-appointment.

The other two Commissioners, although equal in status with the Chairman, should not be whole-time officers but might receive such remuneration, if any, and expenses as the Minister may determine. They should hold office for such term not exceeding three years as may be determined, but should be eligible for re-appointment. Before these two Commissioners are

appointed there should be some consultation on the part of the Minister with the principal local authorities. (*Paragraph 107.*)

(vi) This consultation might take place in either of two ways. First, the Minister might consult with such body or bodies as he may consider most representative of County Councils, and County Borough and Borough Councils, respectively.

Alternatively, two panels might be constituted in each Traffic Area and the Minister might select one person from each panel for appointment as Commissioner. The first panel might consist of persons nominated by the County Councils in the Area, and the second of persons nominated by the Councils of the County Boroughs and Boroughs in the Area. Each Council would have the right to nominate one person. (*Paragraph 108.*)

(vii) A person nominated to either panel need not necessarily be a member of the nominating Council and should remain on the panel for three years. At the end of that period, the nominating Council should have an opportunity to change or re-appoint its nominee as it may think fit. (*Paragraph 108.*)

Duties of Area Commissioners.

(viii) (a) The Commissioners shall be within their respective Areas the sole authority for licensing public service vehicles constructed or adapted to carry nine or more persons and also for licensing the drivers and conductors of these vehicles. For the latter purpose the Commissioners should be empowered to make suitable arrangements, if they think fit, with local authorities.

(b) The Commissioners shall be required to give reasonable notice to the Commissioners of any other Area or to any local authority of any application which may affect such other Area or local authority.

(c) For the purposes of considering applications for licences and the "backing" of licences granted in another Area, the Commissioners shall sit in public at convenient stated dates and places.

(d) The Commissioners shall have discretion to hear and consider representations from persons other than applicants, but it shall be their duty to hear and consider any representations which any local authority, passenger transport undertaker, or other body or person directly interested in or affected by the proposed service may desire to make, unless the Commissioners consider such representations to be frivolous.

(e) The Commissioners shall have power to grant or refuse to grant any licence and to "back" or refuse to "back" any Route Licence granted by the Commissioners of another Area. In granting or "backing" a Route Licence the Commissioners shall have power to attach reasonable conditions to such licence. In coming to a decision upon any application, the Commissioners.



shall act judicially and shall have regard to the following considerations :—

- (i) The traffic needs of the whole Area.
- (ii) The provision of adequate and efficient services throughout the Area.
- (iii) The elimination of unnecessary services.
- (iv) The provision, where possible, of services on routes which in themselves are unremunerative.
- (v) The co-ordination of all forms of passenger transport in the Area, *e.g.*, the provision of motor omnibus services to extend and feed tramway and trackless trolley systems rather than to compete with them, and the co-ordination of road and rail services.
- (f) The Commissioners shall cause the time-tables of all regular services to be submitted to them, and shall satisfy themselves that such time-tables are so arranged as to provide the public with adequate facilities at convenient hours and in such manner that the legal maximum speed limit for the vehicles used will not be exceeded.
- (g) The Commissioners shall satisfy themselves that the fares charged or proposed to be charged are reasonable and, if representations have been made to them and if they consider it necessary in the public interest, may, after holding a public inquiry, fix maximum and minimum fares for any service in their Area.
- (h) Generally, the Commissioners shall aim at establishing an adequate passenger transport service in their Area, creating what has been termed by several Witnesses a “ controlled monopoly,” *i.e.*, the provision of services by an adequate number of efficient undertakings which, for the safeguarding of the interests of the public, would be subject to strict control.
- (i) The Commissioners shall submit an Annual Report to the Minister. (*Paragraph 109.*)

Appointment of Officers.

- (ix) The Commissioners should have power, subject to the approval of the Minister, to appoint such staff as may be necessary for the proper execution of their duties. (*Paragraph 113.*)

Expenses of Commissioners.

- (x) The expenses of Commissioners should be met partly from the proceeds of fees for licences. Any deficiency should be met from the Road Fund. (*Paragraph 110.*)
- (xi) For a Public Service Vehicle Licence, a fee not exceeding £2 2s. should be charged in respect of each vehicle. Route Licences and licences for drivers and conductors should be issued at nominal fees, say, 5s. per licence. (*Paragraph 111.*)
- (xii) The accounts of the Commissioners should be subject to audit by the Minister. (*Paragraph 112.*)

Powers of Local Authorities.

(xiii) Powers should be given to all existing licensing authorities, and to all County Councils to which this Report relates, to make regulations regarding the routes, stands and stopping places of public service vehicles. (*Paragraph 117.*)

(xiv) These regulations should not become operative unless confirmed by the Minister after consultation with the Area Commissioners, and should have force only within the area of the authority making them. (*Paragraph 117.*)

(xv) No alteration should be made in the existing law relating to the licensing of public service vehicles constructed to carry less than nine persons (mainly taxicabs) or the drivers of these vehicles. (*Paragraph 118.*)

Classification of Vehicles.

(xvi) Public service vehicles should be defined as "motor vehicles (other than tramcars and trackless trolley vehicles) used for carrying passengers for hire or reward." (*Paragraphs 4, 120.*)

(xvii) They should be classified as "stage carriages," "express carriages" and "contract carriages"—the first representing the ordinary omnibuses carrying passengers for short stages; the second, the long-distance coaches carrying passengers at separate fares; the third, the vehicles which are hired as a whole. (*Paragraphs 4, 120.*)

Certificates of Fitness.

(xviii) Before a Public Service Vehicle Licence is granted, the applicant should be required to produce a Certificate of Fitness, implying that the vehicle complies with the constructional requirements prescribed by the Minister of Transport. (*Paragraph 123.*)

(xix) The Commissioners should appoint properly-qualified Certifying Officers to examine vehicles and issue Certificates of Fitness. Certifying Officers should be paid fees on a prescribed scale in respect of the vehicles they examine. (*Paragraph 123.*)

(xx) A Certificate of Fitness should normally be valid for a period of five years, but provision should be made for re-examination of the vehicle within that period, if circumstances render it desirable. (*Paragraph 123.*)

Public Service Vehicle Licences.

(xxi) It should be an offence to use a vehicle as a stage carriage or as an express carriage or as a contract carriage, if it is not licensed as a vehicle of that class, provided that a vehicle licensed as a stage carriage may be used as an express carriage

or as a contract carriage, and one licensed as an express carriage may be used as a contract carriage. (*Paragraph 121.*)

(xxii) Area Commissioners, however, should be given a limited discretion to authorise, in certain circumstances, the use of an express carriage as a stage carriage. (*Paragraph 121.*)

Public Service Vehicle Examiners.

(xxiii) The Commissioners should appoint Public Service Vehicle Examiners for the purpose of inspecting licensed vehicles and ensuring that they are satisfactorily maintained. (*Paragraph 124.*)

(xxiv) Public Service Vehicle Examiners should have power to stop and inspect vehicles at any time, and if on inspection it appears that the vehicle, owing to defects, is or is likely to become unfit for service, they should have power to suspend the Public Service Vehicle Licence in respect of the vehicle. (*Paragraph 124.*)

(xxv) The Commissioners should have power to make arrangements with any police authority for the appointment of members of their police force as Public Service Vehicle Examiners. (*Paragraph 124.*)

Route Licences.

(xxvi) A vehicle should not be used as a stage carriage or as an express carriage unless the operator is the holder of a Route Licence. (*Paragraph 125.*)

(xxvii) In the case of a service of stage carriages passing through the areas of more than one licensing authority, the Route Licence should be required to be endorsed or "backed" by the Commissioners of each Area other than those who originally granted the licence. (*Paragraph 126.*)

(xxviii) In the case of a service of express carriages such "backing" should only be required in Areas in which passengers are taken up and set down. (*Paragraph 128.*)

Conditions attaching to Route Licences.

(xxix) The Commissioners should have power to attach such conditions to Route Licences as will secure :—

- (a) the provision of suitable services;
- (b) the route to be followed;
- (c) the suitability of the vehicles for the route; and
- (d) that fares shall not be unreasonable having regard to all the circumstances. (*Paragraphs 127, 128.*)

(xxx) The Commissioners should also be empowered to attach conditions relating to hours, wages and conditions of service. (*Paragraph 130.*)

Suspension and Revocation of Route Licences.

(xxxix) The Commissioners should be empowered to revoke or suspend a Route Licence or the "backing" of such licence either for non-compliance with any condition subject to which the licence was granted or "backed," or in the event of the conviction of the holder of certain specified offences. (*Paragraph 131.*)

Applications for Licences.

(xxxix) Applications for Public Service Vehicle Licences and Route Licences should be made to the Commissioners of the Area within or through which the vehicle is intended to be operated or the service is intended to start, or, in the case of a vehicle intended to run or a service to be operated between two terminal points, to the Commissioners of the Area in which either point is situated. (*Paragraph 134.*)

Duration of Licences.

(xxxix) Unless suspended or revoked in the meantime, a Public Service Vehicle Licence or a Route Licence should continue in force for one year, but the Commissioners originally granting the licence should have power to renew it from time to time for further periods of one year. (*Paragraph 137.*)

(xxxix) Route Licences should expire on a prescribed date in each year but, if thought desirable, a licence may be limited to a certain period of the year. (*Paragraph 137.*)

Notices regarding "Backing" of Licences.

(xxxix) Commissioners who "back" or refuse to "back" a Route Licence should be required to give notice of the fact to the Commissioners by whom the licence was granted, and, if a licence is "backed" subject to conditions, notice of such conditions. (*Paragraph 135.*)

Transfer of Licences.

(xxxix) Neither a Public Service Vehicle Licence nor a Route Licence should be saleable or transferable in any circumstances whatsoever. (*Paragraph 136.*)

Registration of Licences.

(xxxix) Commissioners should be required to keep registers of licences granted, etc., and of convictions for offences in relation to such licences. (*Paragraph 139.*)

Appeals.

(xxxix) An applicant should have a right of appeal against a decision of the Commissioners to a Court of Summary Jurisdiction in the case of a driver's or conductor's licence, and to the Minister of Transport in the case of any other licence. (*Paragraphs 114, 116.*)

(xxxix) No licence regarding which an appeal is pending should become operative until the appeal has been decided. (*Paragraph 114.*)

Regulations by the Minister.

(xl) The Minister of Transport should have power to make regulations regarding such general matters in connection with licensing (*e.g.*, the prescription of standard forms of licences) as will secure uniformity in the various Areas. (*Paragraph 140.*)

(xli) He should also have power to make regulations as to the conduct of passengers, the conduct of drivers and conductors when acting as such, and as to such general matters as the fees payable for licences, the marks to be carried by vehicles and the badges to be worn by drivers and conductors. (*Paragraph 143.*)

(xlii) No regulations dealing with matters arising out of this Report or the First Report should become law unless motions for their approval have been moved and carried in both Houses of Parliament. (*Paragraph 143.*)

Drivers and Conductors.

(xliii) All drivers and conductors should be licensed as such. The grant of such licences should be restricted to persons over the age of twenty-one in the case of a driver, and over the age of eighteen in the case of a conductor. (*Paragraph 144.*)

Time-tables.

(xliv) The Commissioners should have power to require all time-tables to be submitted to them for approval and that, when approved, the appropriate time-table should be displayed inside the vehicle. (*Paragraph 129.*)

Accidents.

(xlv) It should be the duty of a holder of a Public Service Vehicle Licence to give notice of any accident to or failure of the vehicle which may affect the safety of passengers or others. (*Paragraph 142.*)

(xlvi) A Public Inquiry by the Minister should be obligatory in the case of all accidents to public service vehicles which involve the death of a passenger, or of a driver or conductor or other employee of the operator. (*Paragraph 142.*)

Insurance.

(xlvii) Insurance in respect of damage to person or property should be made obligatory in the case of all public service vehicles. The exemption proposed in the Draft Road Traffic Bill, in the case of proprietors who satisfy the licensing authority of their financial ability to meet all such claims as may be made against them, should be carefully reconsidered. (*Paragraph 141.*)

CONCLUSION.

147. We cannot close this Report without a reference to the loss which the Commission has sustained by the resignations of Mr. F. Montague, M.P., and Mr. W. R. Smith, M.P., both of whom resigned in consequence of their accepting office in the present Administration. Their places have been taken by Mr. W. Leach, M.P., and Mr. F. W. Galton.

148. Although we have not concluded our labours and expect in due course to make a third and final Report, we desire to take this opportunity of expressing our great appreciation of the help we have received from our Secretary, Mr. R. H. Tolerton, whose knowledge and experience have been of the greatest possible assistance to us; and we desire also to convey our thanks to our Assistant Secretary, Mr. A. Spence.

ALL OF WHICH WE HUMBLY SUBMIT FOR YOUR MAJESTY'S GRACIOUS CONSIDERATION.

ARTHUR GRIFFITH-BOSCAWEN,

Chairman.

J. J. ASTOR.

CLARENDON.

H. E. CRAWFURD.

F. W. GALTON.

ERNEST HILEY.

W. LEACH.

JAMES LEARMONTH.

WM. G. LOBJOIT.

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ISIDORE SALMON.

MATTHEW G. WALLACE.

ROBERT H. TOLERTON,

Secretary.

A. SPENCE,

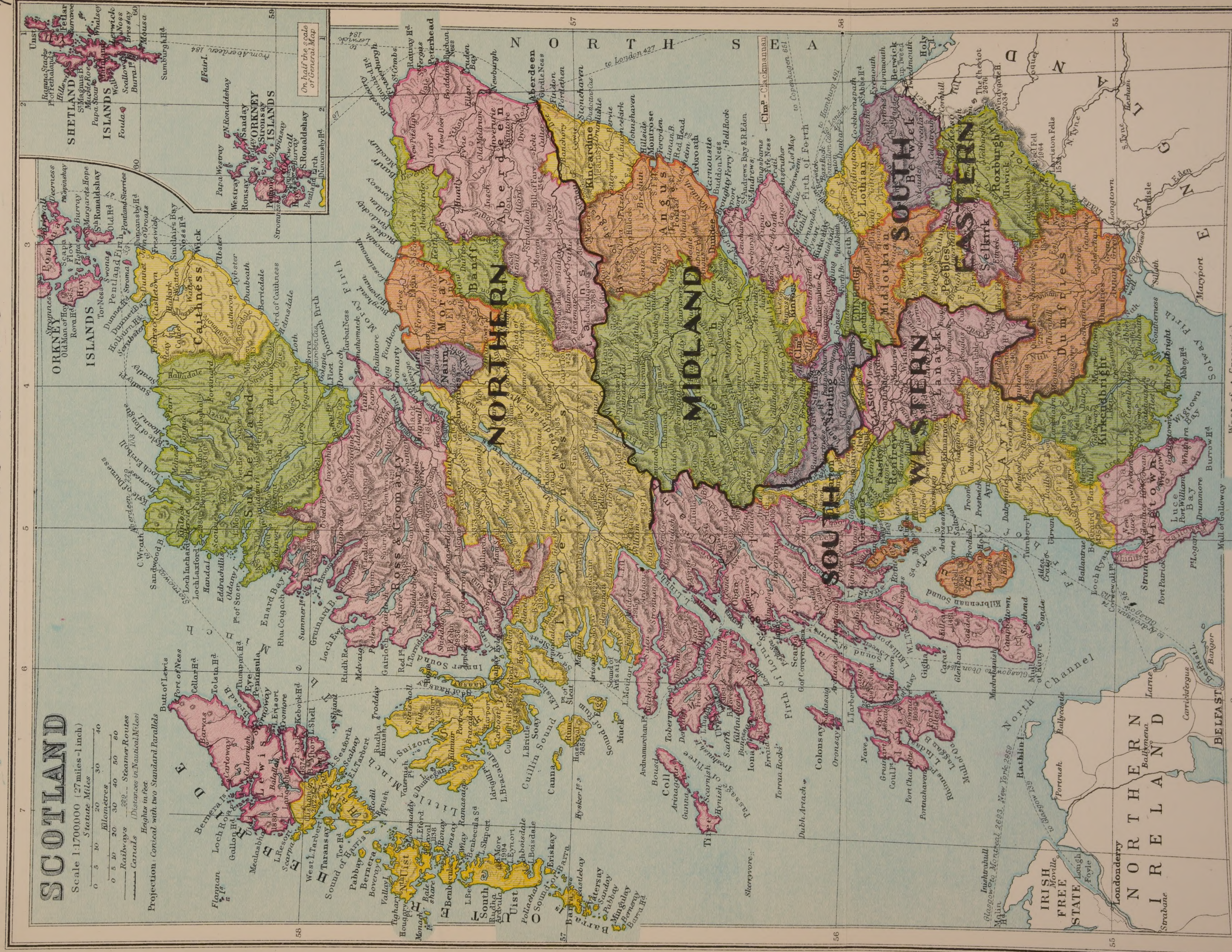
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18th October, 1929.

TRAFFIC AREAS.



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SECOND REPORT.

The Licensing and Regulation
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*Presented by the Secretary of State for the Home
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October, 1929.*

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